

MINUTES

ORDINARY MEETING OF COUNCIL

**Held on
Tuesday, 21st August 2007
7.00pm
City of Albany Council Chambers**

City of Albany

**** Disclaimer ****

No responsibility whatsoever is implied or accepted by the City of Albany for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with Staff. The City of Albany disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation or approval made by a member or officer of the City of Albany during the course of any meeting is not intended to be and is not taken as notice of approval from the City of Albany. The City of Albany warns that anyone who has an application lodged with the City of Albany must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the City of Albany in respect of the application.

Signed _____

Peter Madigan
Executive Director Corporate
And Community Services

Date: 24th August 2007

TABLE OF CONTENTS

1.0	Declaration of Opening	4
2.0	Record of Attendance/Apologies/Leave of Absence (Previously Approved)	4
3.0	Opening Prayer	4
4.0	Response to Previous Public Questions Taken On Notice	4
5.0	Public Question Time	5
6.0	Confirmation Of Minutes of Previous Meeting	15
7.0	Applications For Leave Of Absence	15
8.0	Disclosure of Financial Interests	16
9.0	Matters for Which Meeting May Be Closed	16
19.1	EHO Staff Structure	164
19.2	Executive Director Remuneration Review	164
10.0	Petitions/Deputations/Presentations	16
11.0	Reports – Development Services	17
11.1	Development	
11.1.1	Development Application - Residential Design Code Relaxation - Over Height, Overlooking and Side Setback at 79 Adelaide Crescent, Middleton Beach	18
11.1.2	Development Application - Extend Non-Conforming Use - 60 South Coast Highway	22
11.1.3	Development Application - Engineered Strand Lumber Plant - Lot 100 Down Road, Drome	29
11.1.4	Subdivision Condition - Bayonet Head Outline Development Plan - Cost Sharing Contribution	40
11.1.5	Heritage Listing - Albany Golf Course	45
11.2	Health, Building & Rangers	
	Nil	49
11.3	Development Policy	
11.3.1	Final Adoption of Strategy Document - Albany Local Planning Strategy	50
11.3.2	Final Adoption - Little Grove Conceptual Structure Plan	58
11.3.3	Final Adoption - McKail Local Structure Plan	65
11.3.4	Review of Outbuildings Policy and 223 Chester Pass Road, Milpara	73
11.3.5	Initiate Scheme Amendment - Lot 124 Gladville Road, McKail	78
11.3.6	Initiate Scheme Amendment - Lot 5 Racecourse Road, Robinson	85
11.4	Reserves Planning	
11.4.1	Road Dedication - Conversion of Right of Way to Public Road - Lower King	91
11.4.2	Closure of Road - Knight Street, Mira Mar	95

11.5	Development Service Committee	
11.5.1	Bush Fire Management Committee Meeting Minutes - 24 April 2007 and 30 July 2007	101
12.0	Reports – Corporate & Community Services	105
12.1	Finance	
12.1.1	List of Accounts for Payment	106
12.1.2	Financial Activity Statement	108
12.2	Administration	
12.2.1	Extended Trading Hours within the City of Albany	112
12.2.2	Service Complaint Policy and Procedure	116
12.3	Library Services	
	Nil	119
12.4	Day Care Centre	
	Nil	119
12.5	Town Hall	
	Nil	119
12.6	Recreation Services	
12.6.1	Future of old Albany Skate Park	120
12.7	Visitor Centre	
	Nil	124
12.8	Corporate & Community Services Committee	
12.8.1	Albany Town Hall Theatre Advisory Committee meeting minutes – 4 th July 2007	125
12.8.2	Albany Arts Advisory Committee meeting minutes – 11 th July 2007	126
12.8.3	Albany Aboriginal Accord Advisory Committee meeting minutes – 18 th July 2007	127
13.0	Reports – Works & Services	128
13.1	City Assets - Asset Management	129
13.2	City Services – Waste Management	129
13.3	City Services – Airport Management	
13.3.1	Albany Airport – Business Plan 2007/08 to 2011/12	130
13.4	City Services – Contract Management	136
13.5	City Services – Property Management	
13.5.1	Surrender of Lease for Lot 20 Cheynes Beach Road	137
13.6	City Works – Capital Works	140

13.7	City Works – Reserves, Planning & Management	
	13.7.1 Request to Deal with an Objection to a Staff Decision	141
13.8	Works & Services Committees	
	Nil	144
14.0	Reports – General Management Services	145
14.1	Strategic Development	
	Nil	146
14.2	Organisational Development	
	14.2.1 Operational Human Resources Policy	147
14.3	Economic Development	
	14.3.1 Engage in the Adopt a Humpback Whale Migration Icon Project	153
14.4	Corporate Governance	
	Nil	159
14.5	General Management Services Committee	
	Nil	159
15.0	Elected Members’ Monthly Report / Information Bulletin	160
16.0	Motions Of Which Previous Notice Has Been Given	160
	16.1 Acknowledgement of the Efforts of the Chief Executive Officer	160
17.0	Mayors Report	160
18.0	Urgent Business Approved by Mayor or by Decision of the Meeting	162
19.0	Closed Doors	163
	19.1 EHO Staff Structure	164
	19.2 Executive Director Remuneration Review	164
20.0	Next Ordinary Meeting Date	164
21.0	Closure of Meeting	164

1.0 DECLARATION OF OPENING

The Deputy Mayor declared the meeting open at 7.00pm and extended a welcome to all present.

2.0 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Deputy Mayor	-	DW Wellington
Councillors	-	MJ Evans, JP
	-	P Lionetti
	-	SM Bojcun
	-	DJ Wolfe
	-	J Waterman
	-	S Marshall
	-	J Walker
	-	D Wiseman
	-	R Paver
	-	J Jamieson
	-	I West
Executive Director Corporate & Community Services	-	WP Madigan
Executive Director Works & Services	-	L Hewer
Executive Director Development Services	-	R Fenn
Minute Secretary	-	JR Byrne

Approximately 45 members of the public
2 media representatives

Leave of Absence:
Councillor RH Emery

Apologies:
Mayor A Goode JP
Councillor JD Williams

3.0 OPENING PRAYER

Deputy Mayor Wellington asked all present to be upstanding and read aloud the opening prayer:

“Heavenly Father, we thank you for the beauty and peace of this area. Direct and prosper the deliberations of this Council for the advancement of the City and the welfare of its people. Amen.”

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the 17th July 2007 Ordinary Council Meeting during Public Question Time, Mr Smithson asked three questions of the Council relating to the UNESCO (United Nations Educational, Scientific and Cultural Organisation) World Heritage Convict Colonial Settlement nomination process. A copy of those questions and the answers subsequently provided to Mr Smithson follow:

Q1. Did the City of Albany refer the Draft Albany Local Planning Strategy to the Heritage Council of Western Australia, the National Trust of Western Australia, and the Albany Historical Society?

Item 4.0 continued

- A1. The Heritage Council of WA was supplied a copy of the ALPS as part of the formal consultation process.
- Q2. Between April 2000 and July 2007, what correspondence if any has the City of Albany received relating to the Commonwealth UNESCO World Heritage Nomination of Australia's Convict Colonial Settlements from:
1. The Federal Minister for Environment and Heritage
 2. Any Western Australian Member of Federal Parliament
 3. The State Minister for Heritage
 4. Any Member of State Parliament
 5. The Heritage Council of Western Australia; or
 6. The National Trust of Western Australia?
- A2. Between April 2000 and July 2007 the City of Albany does not appear to have received correspondence from Federal or State authorities and agencies regarding Commonwealth UNESCO World Heritage Nomination of Australia's Convict Colonial Settlements.
- Q3. Do the Council of the City of Albany know who was the Chairman of the Heritage Council of Western Australia from October 2003 to May 2005?
- A3. Yes, the City was aware that Patric DeVilliers was the chairman of the Heritage Council of WA for approximately 15 months.

5.0 PUBLIC QUESTION TIME

***Ms J Gordon, Parmelia Way, McKail**

Ms Gordon addressed the Council in relation to Item 11.3.3 Final Adoption – McKail Local Structure Plan, as follows:

I would like to address Item 11.3.3 of your agenda, which refers to the McKail Local Structure Plan, and specifically paragraph 17, on page 48.

I am here to represent landowners within the Pines estate, and to ask that you reconsider the extension of Radiata Drive east into the proposed development area.

I would like to make reference to the statement within paragraph 17:

“It is considered that the route through the Pines Estate is unlikely to carry substantial traffic volumes.”

Currently, there are potentially 12 lots with driveways onto Radiata Drive. Using the same estimate of vehicles per dwelling per day as has been used by the consulting agent in the structure plan, the approximate volume of vehicles using Radiata per day is 96. Therefore, in its current state, Radiata does not carry substantial traffic volumes.

According to the plan, Lot 2 or stage 1 of the development is expected to generate 1672 vehicle movements per day; the consulting agent estimates that 150 of these vehicles will be travelling to and from South Coast Highway to the west. This does not allow for Lots 1 and 3 of the development.

Item 5.0 continued

We believe that the route through the Pines would be a convenient short-cut for anyone travelling from the development to South Coast Highway.

Furthermore, it would also be a convenient short-cut for anyone travelling from the vicinity of Lake McKail or east of Clydesdale Rd and perhaps Albany Highway through to South Coast Highway, and vice versa.

While Clydesdale Rd may be, according to paragraph 17, “designated as a principle vehicular route” the reality is that motorists are always seeking short cuts. One of the aims of the plan is to “provide external road linkages which will minimise negative impacts of through traffic” and we find that the extension of this road is in direct conflict with that aim.

Another of the aims of the Structure Plan is to embrace the Traditional Neighbourhood Design Philosophy. One of the major principles of this philosophy is to minimise car use. The extension of Radiata will promote the “convenient” use of vehicles to access the school and commercial centre.

Lot 127 of the Pines estate is already designated public open space owned by the crown; it joins directly on to public open space within the new development area, providing direct access to the school and commercial centre. When talking of design philosophy, providing walkways and cycleways through public open space is a progressive and environmentally friendly way to minimise car use.

Another of the principles of the Traditional Neighbourhood Design Philosophy is to create a strong sense of community. Again I refer you to paragraph 17. There were 20 objections from residents of the Pines to the extension of Radiata Drive. In other words, over 60% of owners who live in the estate voiced their objection.

This is a remarkable statistic when you consider absences and the usual apathy and “she’ll be right” attitude of our culture. This response defines “strong sense of community”. On any day of the week if you visit the Pines estate you will find local residents interacting and any of the 46 kids who live there walking, cycling, and playing together. We have a strong sense of community, we love our healthy, outdoor community life. However, there is no doubt that this sense of community will be eroded if we become a route for through traffic.

Again returning to paragraph 17, it is stated that “Within the former McKail Structure Plan, it was always envisaged that Radiata Drive would be extended into the adjacent residential area.” This statement is misleading. Originally Radiata Drive was to be a service road for the Stage 4 development of the Pines, which was to be north of the existing Pines development, and which was to intersect with the future Gregory Drive. Plans from 1996 and 99 reflect this fact.

The land set aside for stage 4 of the Pines development was purchased approx 3 yrs ago by the Water Corporation as a part of the buffer zone for the waste treatment plant. At no point prior to the release of the current revised McKail structure plan was Radiata Drive to be extended into the adjacent residential area; at no point did the developer propose this, and you can be assured from the response of the Pines landowners, we do not support it.

Item 5.0 continued

I ask you, please, to consider that those who wrote submissions only had 4 days notice prior to this meeting, and we request that a motion be put forth to delay the final adoption of the structure plan for a month to allow the land owners of the Pines estate to meet with a representative councillor and the planning department for further discussion.

***Mr D Mills, Bathurst Street, Mira Mar**

Mr Mills addressed the Council in relation to Item 11.4.2 Closure of Road – Knight Street, Mira Mar. Prior to his address, the Executive Director Development Services Mr Fenn advised that Item 11.4.2 had been withdrawn from the agenda. Mr Mills expressed a desire to still address the Council and spoke against the closure of Knight Street.

***Mr N Smithson, Smithson Planning, Middleton Road, Albany**

Mr Smithson addressed the Council in relation to Item 11.3.1 Final Adoption of Strategy Document – Albany Local Planning Strategy, as follows:

Mister Mayor / Councillors, if you conduct a word search of ALPS, you will find the word 'Heritage' appearing on one occasion only. Like ALPS, if you conduct a word search of the WA Planning Commission's recently finalised Lower Great Southern Strategy, you will not find the words 'Anzac' or 'Bicentennial' appearing anywhere in those reports.

Further to my comments in June and July to Council relating to the Commonwealth's 'UNESCO World Heritage Nomination – Australian Convict Colonial Settlements', I thank the Director Development Services for his letter dated 9 August 2007. I trust a copy of that letter has been circulated to all Councillors, but if that is not the case, then I request it be so. I will read out one paragraph for the benefit of the public's understanding :

“Declaration of 'heritage precincts' occurs through a rigorous assessment process undertaken by the Heritage Council of WA, and Albany has only recently been contacted to comment on the nomination of the first heritage precinct (Stirling Terrace) in the City. The process of nomination and registration (*of heritage precincts*) is not a strategic land use matter that requires discussion in ALPS.”

I conclude from those remarks that the Amity Heritage Precinct, encompassing the Residency and Eclipse Museums, Brig Amity and buildings, and the Albany Old Goal have no effective standing under the State or Commonwealth legislation.

Mr Fenn has indicated that no correspondence has been received by the City of Albany over the last seven years relating to the UNESCO nomination from any State or Federal representative or authority, and that you, the City, were aware that Patric de Villiers was the Chairman of the Heritage Council WA.

Q1. That being the case, then I would ask when the matter of the UNESCO nomination, proposed by Senator the Hon. Ian Campbell – WA Liberal and former Federal Minister for Environment & Heritage, was first brought to the attention of the Councillors.

A1. The Executive Director Development Services Mr Fenn responded by advising that it was first drawn to Council's attention when Mr Smithson raised this matter in his June address to Council.

Item 5.0 continued

- Q2. Why has the City of Albany taken no action on this matter over the last six months? There has been no formal item presented to Council, and it has not been discussed in the ALPS reporting – was there either a formal direction from Councillors not to raise the issue, or did the Executive Administration choose not to inform the Council of this most significant promotional opportunity?
- A2. The Executive Director Development Services Mr Fenn responded by advising there was no formal or informal direction by the Council, and the Executive Administration did not consider the need to present the matter to Council for its consideration.

Mister Mayor / Councillors, I will reiterate again that any reasonable person would suggest that UNESCO World Heritage nomination as an Australian Convict Colonial Settlement would represent unprecedented recognition for the City of Albany in the context of global heritage tourism, and a solid foundation for the Albany Waterfront Project and Entertainment Centre.

I would encourage the Council of the City of Albany to fully embrace and support the State and Federal Government's World Heritage nomination, and take-up Senator Webber's proposition of an amendment to include Albany's Residency Museum, Old Gaol, Eclipse Museum and the Amity Heritage Precinct as a world class example of a convict colonial settlement – Western Australia's first in fact.

If our comments are of interest, you may care to hear more about the Rainbow 2000[®] Project at the Sustainable Economic Growth in Regional Australia Conference in Wollongong, Australia (17-19 Sep 2007). Thank you for your time Mister Mayor / Councillors.

***Ms A Lacy, 8 Harry Street Mount Melville (representing Wilson Tuckey MP)**

Ms Lacy addressed the Council in relation to Item 13.3.1 Albany Airport – Business Plan 2007/08 to 2011/12. Ms Lacy advised that Mr Tuckey requested the Council to defer any decision to de-commission the Instrument Landing System (ILS) to enable Mr Tuckey to seek federal government funding assistance.

***Mr R Nesbitt, Grove Street West, Little Grove**

Mr Nesbitt addressed the Council in relation to Item 11.3.2 Final Adoption – Little Grove Conceptual Structure Plan, as follows:

I speak in relation to the Public Open Space (POS) requirements within Cell 2 of the Little Grove Conceptual Structure Plan. Currently POS areas include:

1. Princess Royal Harbour Foreshore
2. Torndirrup National Park
3. Foot and Cycle ways throughout Little Grove area and further projects
4. Possible portion of large Water Corporation reserve 4523
5. Mill's Park
6. Reserve 24747 Community Purpose and Fire Station site
7. Possible extension of Mill's Park with undeveloped King George Street Reserve – for family park attributes
8. Popular beach areas some 10-15 minutes drive in both east and west directions

Item 5.0 continued

The original concept for POS showed three suitable locations:

1. corner Grove Street West and Queen Street
2. corner Connelly Street and Wilson Street
3. Western end of Jeffcott Street.

The latest conceptual structure plan states, and I quote, “In congruity with West Australian Planning Commission policy (*Liveable Neighbourhood document*), an active area of POS of at least 5000m² should be provided in the Wilson and Connelly Street area, which is approximately 400m from the existing local open space.”

It is further stated within section 3.2.4 Public Open Space, that:

“An active area of POS of between 5000m² and 10,000m² is to be provided within a radius of 250m of the corner of Connelly and Wilson Streets; that area is to be clear of vegetation, have minimal cross fall and not be used for local drainage purposes.”

A now reduced area from 400 metres to 250 metres from the corner of Connelly and Wilson Streets. The increased area of 5,000m² to 10,000m² required for POS, thus excluding the previous two possible locations.

It is further stated and I quote,

“Council will not accept land for POS where:

- The POS areas are not integrated;
- Small isolated pockets of public land would be created;
- The POS area does not meet community needs and promote tourism and equitable access.

The Public Open Space area now required together with the restricted location appears to refer to our property; mine and my wife’s, at the corner of Connelly and Wilson Streets.

Section 3.2.4 Public Open Space states:

“Each landowner that subdivides will be required to contribute 10% or a cash contribution as POS. This can be either through a ceding of 10% of the land for POS purposes as to the Crown or payment of cash in lieu for the area required. It is intended that any cash in lieu payments received would be spent within the Little Grove area, inclusive of the Princess Royal Harbour Foreshore.”

‘Will’ is a mandatory requirement. Every land owner who subdivides is obligated by the relevant policies and guidelines. However, the Conceptual Structure Plan further states, and I quote:

“A contribution for POS is based on a contribution of land or cash payment (see section 155 of the Planning and Development Act 2005) not exceeding one-tenth (10%) of the gross subdivisional area.”

However, “A landowner is to be reimbursed for a contribution the Council has required as a condition of subdivision approval that is over the 10%.” So, the statutory requirement is 10%, however the Council can ask for more than 10%. I asked a Council Officer, Rob Hensel, how much land would the Council require? He stated that normally not more than 12%, but can be more. If the amount is not agreed, then the subdivision approval will be stopped.

NB. At this point, the Deputy Mayor advised Mr Nesbitt that he had reached the time limit for a speaker.

Item 5.0 continued

***Ms D Baesjou, representing Ayton Taylor Burrell, Duke Street Albany**

Ms Baesjou addressed the Council in regards to Items 11.3.1 and 11.3.3 as follows:

Item 11.3.1 Final Adoption of Strategy Document – Albany Local Planning Strategy
Firstly I want to acknowledge the significant progress with ALPS. Congratulations to Councillors and staff in moving forward with what is one of the most important strategic documents in the life of the City of Albany. It is essential that ALPS be endorsed by Council.

The officer comments contained in the revised schedule of submissions have been updated to provide more detail and clarification following meetings and discussions. In the case of submissions 43, 46 and 49, the corresponding “Council Recommendation” is still listed as “Dismiss”. This inconsistency should be corrected. It is appropriate that the submissions be “Noted”.

I am not seeking “Support” (as is the case with some other submissions where changes to the ALPS document are recommended) – rather that the Strategy provides for further detailed capability and structure planning of the three areas, given its 20 year timeframe.

On behalf of the respective landowners we request that the Council Recommendation contained in the Schedule be changed from “Dismissed” to “Noted” and the updated officer comment being included accordingly.

Item 11.3.3 Final Adoption – McKail Local Structure Plan

I would like to comment in relation to submission number 25 in the Schedule. I concur with no objection to the modifications to the McKail Structure Plan in so far as it affects Lots 1, 2 and 3, as this reflects contemporary planning principles and philosophy.

However, the submission was 2 pages long and has been summarised in 1 sentence. A brief 1 line summary does not do justice to the content of the submission.

As set out in the submission on behalf of Peet Ltd, the concern is the lack of integration with adjoining lots and the implication for the road and movement linkages. In particular the north-south distributor on the western edge of McKail (former northerly extension of Radiata Drive) through the WaterCorp buffer is no longer relevant.

The revised Plan for Lots 1, 2 and 3 should be considered within the context of the surrounding road network. This component should not be considered in isolation.

Whilst, in principle, Peet Ltd has no major concerns with the revised plan, there is certainly a need for integration of the road network, and in particular paying attention to the issues such as the WaterCorp land to the west. This matter should be addressed by the City of Albany prior to the adoption of any new plan for McKail.

Under the circumstances, and given the cumulative modifications to the original McKail Structure Plan since its adoption, we recommend the City of Albany take this opportunity to formally amend the 1999 Plan. In particular, the 2007 Local Structure Plan should reflect the network of existing distributor roads and POS in the locality.

Item 5.0 continued

The Amended Plan should have due regard for the extended Water Corporation buffer as well as the road layout proposed for the balance of the undeveloped land within the Structure Plan Area.

The schedule of submissions should be updated to include the above comments and the recommendations contained in the submission should be forwarded to the DPI and WAPC for consideration.

***Ms K Stanton, Chipana Drive Little Grove, representing South Coast Progress Association**

Ms Stanton addressed the Council in regards to Items 11.3.2 and 13.7.1, as follows:

11.3.2 Final Adoption – Little Grove Conceptual Structure Plan:

The South Coast Progress Association and myself still have concerns with the POS mentioned on Page 12 saying “an active area of POS of at least 5,000 square metres should be provided in the Wilson and Connelly Street area, which is approximately 400m from the existing open space” and again on page 17 in a dot point where it adds, “that area is to be clear of vegetation, have minimal cross fall and not be used for local drainage purposes”.

Unfortunately that describes Mr and Mrs Nesbitt’s property where the original POS was put on the Structure Plan map.

As I said at the public meeting at the South Coast Progress Association Hall, re: this Plan, POS should only be determined when the land is being subdivided. Because it is of great concern to landowners that do not want to subdivide into the foreseeable future, to have a caveat or memorial or anything else for that matter, on their title, re: a POS. Will this really be the case? Can Mr Nesbitt be reassured in writing that this will not occur?

The discussion in the document of “taking cash in lieu, being the preferred option for POS contribution’, brings with it the problem of whether any POS will be put in place and if any of the money will actually be spent on Little Grove Parks or Reserves and not put into City of Albany general revenue.

There are also concerns from some residents that R20, the average size of 500 square metres, could be further lowered to produce many lots of approximately 330 square metres. The public meeting came out very strongly that the amenity of the area is a priority, and that they do not want too much subdivision. How can we be reassured that this will not occur in Cells 1 and 2, as most of these blocks are on reticulated sewerage in Cell 1 and could possibly go lower than 500 square metres?

Until these questions are answered I would like to see this agenda item laid on the table.

13.7.1 Request to Deal with an Objection to a Staff Decision

The letterbox described in the agenda item does not meet the recommendations laid down by Australia Post. In their web site they say that for single residential premises, a single mailbox is to be situated on the boundary of the property with the footpath or road reserve. They also go on to say that the mailbox must have easy access for the postal delivery.

Item 5.0 continued

I checked these facts with the Albany Sanford Road Post Office and they confirmed them and also said that as long as there was easy access up a road reserve property entry driveway, and the opening of the mailbox was facing the footpath or the driveway, it was correct. They also stressed to me, that the mailbox must be on the landowner's property boundary with the Council verge or footpath or permission must be obtained from the City of Albany to put it on the Council road reserve and it must have easy access for the postal delivery.

Also under the City of Albany TPS1A for this site, I have been informed development approval has to be obtained from the City of Albany for road reserves. As this letterbox and small wall from the landowner's boundary to this new mailbox do not seem to have the necessary approval, it is not legal. The distance from the property owner's boundary and this mailbox is slightly over 4 metres, well into the City of Albany road reserve.

Another problem is, that it is right besides the roadway and has been of big concerns to the builders doing work at the next property, backing big trucks etc. and to that property owner Dr Smith and his visitors.

As was pointed out on the Councillor site visit yesterday, what happens if someone hits this mailbox and claims compensation from the City of Albany, because it is a Council road reserve?

Would it not be easier to ask the property owner to shift it now, before any more problems occur, especially as it was built without the Council's knowledge and does not conform.

***Ms B Bassan, Stirling Terrace, Albany**

Ms Bassan addressed the Council in regards to the footbridge from Stirling Terrace to the Princess Royal Harbour Foreshore.

When will a sign be put at the Stirling Terrace entrance to inform the public they cannot get off at the waterfront end? Too many people, visitors and locals who are unaware, are getting frustrated and some even angry, on realising once they have walked across the footbridge they then have to walk back and go the long way around. The couple who missed the whale tour boat were very angry as were the elderly couple who were dropped off to be met the other side by their driver. These are not isolated instances. Today I watched as a couple climbed over the top gate and then climb over and jump off the end. This has happened many times also.

When will a chain or other safety parapet be placed across the Stirling Terrace entrance between the road and the footpath? There is a serious accident waiting to happen if a child runs along the footbridge straight into the path of oncoming traffic.

The steps going to and from the Visitor Centre have not been catered for the elderly, the disabled and those with luggage. Was any thought put into their needs when the footbridge was being designed?

Item 5.0 continued

During my last pickup at the Visitor Centre I watched as a fellow, a visitor to our town, walked towards Stirling Terrace and look very confused at the steps to nowhere, as the footbridge leads from the top. He didn't notice the steps up to the footbridge tucked along side the Visitors Centre and from where he was standing couldn't see the Rotunda steps or did not know where they lead to. He walked up the steps and not being able to pass freely, put his 2 bags over the fence and climbed over.

Surely signs need to be erected to help visitors find their way.

***Mr T Harrison, Gordon Street, Little Grove**

Mr Harrison addressed the Council in regard to the Albany Entertainment Centre. He expressed concern at the proposed location of the Entertainment Centre on the foreshore, and considered it was an inappropriate location due to:

- Wheat dust blowing across on easterly winds from the CBH outloading terminal
- Exhaust fumes from heavy haulage traffic servicing the port
- Salt and sea spray from howling southerlies and westerlies
- Environmental factors such as sun, rain and cloud cover would prevent the views over the harbour being utilised to their full extent.

Mr Harrison also made reference to problems being encountered by other similar regional facilities such as the roof leaks in the Fremantle Maritime Museum, Geraldton's Entertainment Centre becoming too hot, and Bunbury Entertainment Centre's seating capacity being upgraded.

The Deputy Mayor sought the Council's approval to extend Public Question Time in accordance with Clause 2.3 (1) of the City of Albany Standing Orders Local Law. Public Question Time was extended by a unanimous show of hands at 7.30pm.

***Mr B Taylor, Hamlin Rise, Middleton Beach**

Mr Taylor addressed the Council in regards to Item 11.1.1 Development Application – Residential Design Relaxation – Over Height, Overlooking and Side Setback at 79 Adelaide Crescent, Middleton Beach, as follows:

The current development services report in front of you reminds that Council, under statutory requirements, shall not refuse to grant an application in respect of any matter where it complies with the acceptable development provision of local planning policy.

The application in respect of Lot 74 at 79 Adelaide Crescent, Middleton Beach, has sought relaxations under the performance standards of the residential design codes and therefore admits non compliance. No consultation has been offered by the proponents to the owners of Lot 7 and attempts to arrive at a common sense solution consistently refused.

Confusion with neighbouring landowners, resulting from incompatible height data accompanying the original application, resulted in your Council appointing an independent surveyor to determine the accuracy of legally prescribed, and actual height levels, deemed a peer review for the proposed development. The surveyor consulted correctly the immediate neighbours affected at Lot 5 and Lot 7 Hamlin Rise, and confirmed actual residence levels at Lot 7.

Item 5.0 continued

The issues of consistent scale for the area – setbacks, building wall bulk, deprivation of view and topographical outlook, building height, parapet wall siting on block and effect on values have all been raised and are interrelated in securing a successful outcome for all parties. All are addressed in the residential design codes to which you have to consider Councillors, in arriving at your decision. Council was made aware that the proponent was seeking to have the application assessed only against the performance criteria, in other words selectively, and with your discretion.

The independent surveyors report is clear and to the point and I quote, “Under the heading of project assessment details: That the project meets acceptable development, the answer is no. The performance criteria needs to be applied to building setback, site works, building height and privacy elements of the residential codes. The only flaw in the officer report is the failure to discuss building height as it relates to the requirement for a maximum of 6m wall height. The proposed dwelling exceeds acceptable development criteria for an external wall by 1.2m on the south east side and by 1.8m on the north east side.”

Councillors, the peer review also has identified other deficiencies in the proposal, and offers constructive solutions. 1.8m in excess of acceptable development criteria in the north east side translates also under the design plans to 1.8m in the north western side, or an effective 30% increase in visible building bulk for both Lots 5 & 7 Hamlin Rise.

I put it to you, your Worship Deputy Mayor and Councillors, that to exercise your discretion in favour of this proposal, when a very serious breach of acceptable development criteria is proposed, and was not accurately identified or discussed by your planning department, is in breach of the statutory requirement under which you operate.

The conditional notice of planning scheme consent for Lot 79 Adelaide Crescent should therefore be rejected. An order should then be made for the proponents, the planning department, the independent surveyor and the occupants of Lots 5 & 7 Hamlin Rise to negotiate a mutually acceptable solution.

***Mr R Gerovich, Albany Highway, Drome**

Mr Gerovich addressed the Council in regards to Item 11.1.3 Development Application – Engineered Strand Lumber Plant – Lot 100 Down Road, Drome. Mr Gerovich spoke against the application and further stated that his submission had been misquoted. He particularly expressed concern at the hazards arising from the chemicals to be used in the manufacturing process and the subsequent air emissions. Mr Gerovich stated that the impacts from this development could jeopardise his organic farming enterprise from being able to service international (Asian and European) markets.

Q. He asked what is Council going to do to protect my family and farming business from the potential hazardous impacts of this development?

Item 5.0 continued

- A. Mr Fenn agreed that hazardous chemicals would be used by the proponent in the manufacturing process. However the emission controls to be implemented would ensure that all emissions will be well below World Health Organisation (WHO) standards. In addition, the Environmental Protection Authority (EPA) must sign off on all proposed emission controls and subsequent emissions. Mr Fenn also clarified that the 'hazard zone' as referred to by Mr Gerovich prevented the construction of residences in that zone, but livestock and working in such areas was deemed acceptable.

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 Ordinary & Special Council Meeting Minutes (as previously distributed).

DRAFT MOTION:

THAT the following minutes:

- Special Council meeting held on 3rd July 2007;
 - Ordinary Council meeting held on 17th July 2007;
 - Special Council meeting held on 31st July 2007;
- as previously distributed be confirmed as a true and accurate record of proceedings.

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR JAMIESON**

THAT the following minutes:

- **Special Council meeting held on 3rd July 2007;**
- **Ordinary Council meeting held on 17th July 2007;**
- **Special Council meeting held on 31st July 2007;**

as previously distributed be confirmed as a true and accurate record of proceedings.

CARRIED 12-0

7.0 APPLICATIONS FOR LEAVE OF ABSENCE

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR LIONETTI**

THAT Councillor Williams be granted leave of absence from the 18 September and 16 October 2007 Ordinary Council Meetings.

CARRIED 12-0

8.0 DISCLOSURE OF FINANCIAL INTERESTS

Cr J Waterman	11.1.2 Development Application – Extend Non-Conforming Use – 60 South coast Highway	Financial – Retailer of jewellery
Mr L Hewer (Executive Director Works and Services)	11.3.2 Final Adoption – Little Grove Conceptual Structure Plan	Proximity – residence is in the Structure Plan area
Cr S Marshall	11.3.2 Final Adoption – Little Grove Conceptual Structure Plan	Proximity – residence is in the Structure Plan area
Cr D Wellington	12.2.1 Extended Trading Hours within the City of Albany	Financial – Retailer
Cr J Waterman	12.2.1 Extended Trading Hours within the City of Albany	Financial – Retailer
Cr P Lionetti	12.2.1 Extended Trading Hours within the City of Albany	Financial – Retailer
Cr R Paver	14.3.1 Engage in the Adopt a Humpback Whale Migration Icon Project	Impartiality – proponent is a client of a business of which Cr Paver is a director
Mr L Hewer (Executive Director Works and Services)	19.2 Executive Director Remuneration Review	Financial –review of salary
Mr R Fenn (Executive Director Development Services)	19.2 Executive Director Remuneration Review	Financial –review of salary
Mr P Madigan (Executive Director Corporate and Community Services)	19.2 Executive Director Remuneration Review	Financial –review of salary

9.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

- 19.1 EHO Staff Structure
- 19.2 Executive Director Remuneration Review

10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

Development Services

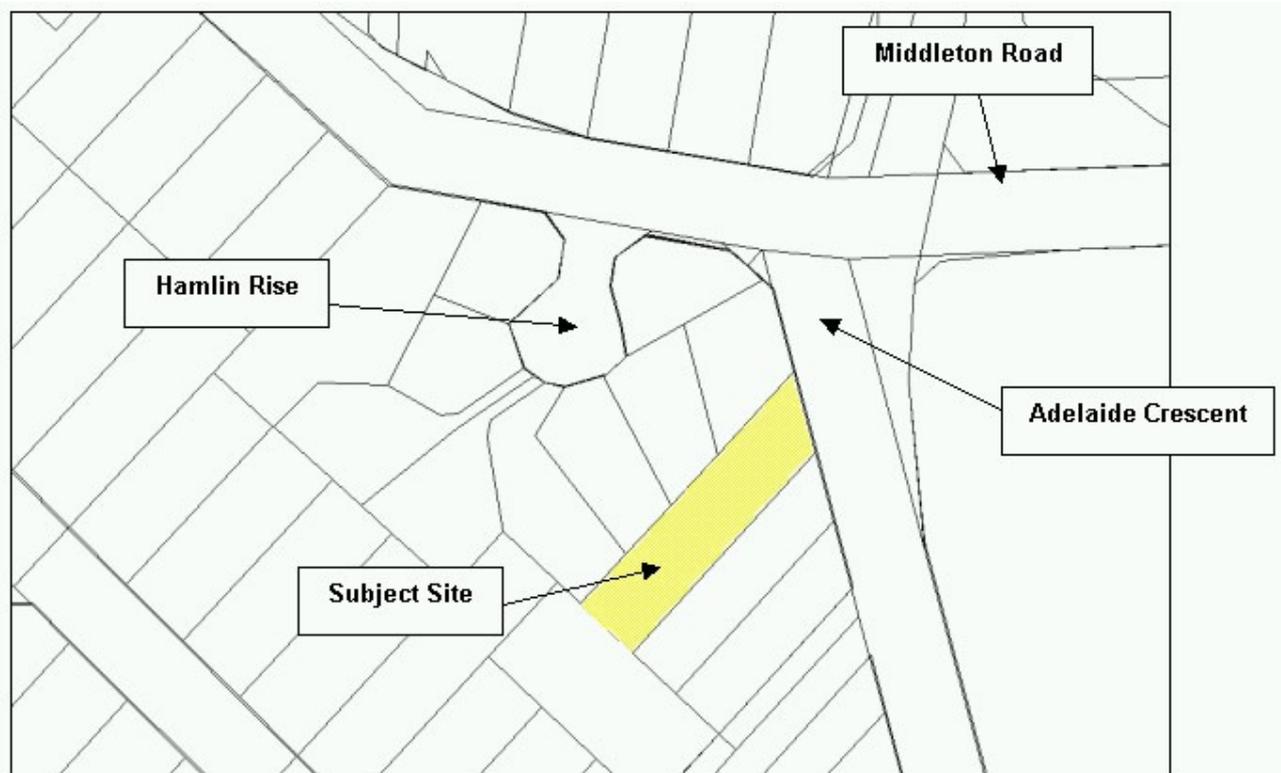
REPORTS

- R E P O R T S -

11.1 DEVELOPMENT

11.1.1 Development Application - Residential Design Code Relaxation - Over Height, Overlooking and Side Setback at 79 Adelaide Crescent, Middleton Beach

File/Ward	:	A132902 (Frederickstown Ward)
Proposal/Issue	:	Residential Design Code Relaxation - Over Height, Overlooking and Side Setback
Subject Land/Locality	:	79 Adelaide Crescent, Middleton Beach
Proponent	:	Roberts Gardiner Architects
Owner	:	JP Davies
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 17/07/07 - Item 11.1.3
Summary Recommendation	:	Issue Notice of Planning Scheme Consent
Bulletin Attachment	:	Nil
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

BACKGROUND

1. An application has been received from Mr and Mrs Davies to construct a single dwelling at 79 Adelaide Crescent, Middleton Beach. The proponent has requested that Council consider three (3) minor relaxations under the Performance Standards of the Residential Design Codes relating to the proposed building height, overlooking of the neighbouring property to the east and the height of the retaining / screen wall built onto the side boundary. The neighbouring landowners were contacted in regards to those relaxations under the Performance Standards and two submissions were received. The site plan and elevations are attached to the end of this report.
2. The proposal has previously been referred to Council for consideration, and the following resolution was adopted;
“THAT Council lay this matter on the table until an independent surveyor appointed by the CEO determines exactly whether there is a discrepancy between the legally prescribed and actual height levels for the proposed development and reported back to the City of Albany”.

STATUTORY REQUIREMENTS

3. The land is zoned “Residential R20” within Town Planning Scheme No 1A and a single residence is a “Permitted” land use on the lot.
4. Clause 2.3.4 [Exercise of Discretion] of the Residential Design Codes states;
*“(1) Subject to Clause 2.3.4 (2) and (3) the Council is to exercise its discretion in considering such application having regard to the considerations, standards and requirements provided in the Codes.
(2) Discretion shall be exercised having regard to the following considerations:
i the stated purpose and aims of the scheme.
ii the provisions of parts 2, 3, and 4 of the Codes, as appropriate.
iii the Performance Criterion or Criteria in the context of the R-Coding for the locality that correspond to the relevant provisions.
iv the explanatory text of the Codes that corresponds to the relevant provisions.
vii orderly and proper planning.
(4) A Council shall not refuse to grant approval to an application in respect of any matter where the application complies with the relevant Acceptable Development provision, Local Planning policy and relevant provisions of the Scheme.*

POLICY IMPLICATIONS

5. There are no Policy Implications relating to this item.

FINANCIAL IMPLICATIONS

6. There are no Financial Implications relating to this item.

STRATEGIC IMPLICATIONS

7. There are no Strategic Implications relating to this item.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

COMMENT/DISCUSSION

8. Two letters of objection were received on this application following the advertising period. The concerns raised related to:
 - inadequate setbacks;
 - excessive height;
 - negative impact resulting from height and scale;
 - loss of views; and
 - inappropriate position on block.
9. In the previous Officer's Report on this item, Council was made aware that any decision needed to be limited to only those parts of the application where the Proponent was seeking to have the application assessed against the Performance Criteria of the Residential Design Codes (see paragraph 4 above).
10. Harley Survey Group has been engaged to undertake a Peer Review of the previous Officer's Report, inclusive of the information distributed to Councillors prior to the meeting, and to examine the site survey provided with the application. This company was selected on the basis that the company;
 - i. undertook the survey of the adjoining Hamlin Rise development and has access to that information;
 - ii. prepared the mechanisms to regulate height within the Hamlin Rise development;
 - iii. did not undertake the site survey for the subject lot; and
 - iv. has a town planning resource in-house.
11. At the time of compiling the agenda, the independent report from Harley Survey Group was not available. It will be distributed to Councillors when it is supplied to City staff.
12. In the previous agenda, the Planning Officer's report indicated that there were three (3) areas where the Proponent sought to have the application assessed against the Performance Criteria of the Codes. Those areas were;
 - i. the western wall of the master bedroom (a relaxation of 100mm was sought);
 - ii. the northern section of the roof ridge protruded beyond the height limit prescribed under Table 3 of the Codes (up to 300mm relative to the western neighbour and up to 600mm for the eastern neighbour) for distances of 1.5m and 6.5m respectively; and
 - iii. a screen / parapet wall that projects above the common boundary approximately 2.7m when measured on the neighbouring property.
13. Considerable discussion took place at the last meeting over the methodology to be employed in determining how the height of a building should be measured. A 'centroid' methodology was being promoted by the neighbour and the R Codes apply that principle only in situations where land is flat. Following this report is a simple diagram (Figure 2) from the R Codes which shows how measurements on sloping blocks shall be calculated. Councillors' attention is drawn to references of levels at the boundary and not relative to the level of yards on adjoining properties or neighbouring buildings.
14. The reporting officer draws Councillors attention to the Officer's Report in the July agenda and the Performance Criteria contained in Clauses 3.3.1, 3.3.2, and 3.7.1 of the Residential Design Codes.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

RECOMMENDATION

THAT Council resolves to issue a conditional Notice of Planning Scheme Consent for a single dwelling to be constructed at 79 Adelaide Crescent, Middleton Beach, assessed against the Performance Criteria of the Residential Design Codes at Clauses 3.3.1, 3.3.2 and 3.7.1, subject to the following conditions:

- a) The height of the parapet wall adjacent to No. 5 Hamlin Rise shall be no greater than 5.2m in height, measured vertically from natural ground level on the subject site.
- b) The landowner shall provide appropriate boundary screening to prevent overlooking of adjoining properties in Hamlin Rise.
- c) All stormwater drainage is to be retained on site or disposed off-site to the satisfaction of Council.

Voting Requirement Simple Majority

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR LIONETTI**

THAT Council resolves to issue a conditional Notice of Planning Scheme Consent for a single dwelling to be constructed at 79 Adelaide Crescent, Middleton Beach, assessed against the Performance Criteria of the Residential Design Codes at Clauses 3.3.1, 3.3.2 and 3.7.1, subject to the following conditions:

- a) **The height of the parapet wall adjacent to No. 5 Hamlin Rise shall be no greater than 5.2m in height, measured vertically from natural ground level on the subject site.**
- b) **The landowner shall provide appropriate boundary screening to prevent overlooking of adjoining properties in Hamlin Rise.**
- c) **All stormwater drainage is to be retained on site or disposed off-site to the satisfaction of Council.**

CARRIED 10-2

Record of Vote:

For: Deputy Mayor Wellington, Councillors Bojcun, Waterman, Evans, Jamieson, Wolfe, Walker, West, Lionetti and Wiseman

Against: Councillors Marshall and Paver

DEVELOPMENT SERVICES REPORTS

Councillor Waterman declared a financial interest in Item 11.1.2 and left the meeting at 8.10pm. The nature of Councillor Waterman's interest is that she is a retailer of jewellery.

11.1.2 Development Application - Extend Non-Conforming Use - 60 South Coast Highway, Orana

File/Ward	:	A160684 (Vancouver Ward)
Proposal/Issue	:	Extend Non-Conforming Use
Subject Land/Locality	:	60 South Coast Highway, Orana
Proponent	:	A Micallef
Owner	:	A Micallef
Reporting Officer(s)	:	Senior Planning Officer (K Hughes)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Issue Notice of Planning Scheme Refusal
Bulletin Attachment	:	Nil
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

BACKGROUND

1. An application has been received to extend the existing non-conforming use at 60 South Coast Highway to include a “Shop” use. A floorplan and photographs are attached to the end of this report.
2. The proposal has been referred to Council for consideration, as the proposed use is not permitted under Town Planning Scheme 1A in the Residential zone.

STATUTORY REQUIREMENTS

3. The land is zoned “Residential” within Town Planning Scheme No 1A.
4. Clause 5.2 of Town Planning Scheme No 1A states:
 - “a) *A person shall not erect, alter or extend a building or buildings used in conjunction with a non-conforming use, or alter or extend a non-conforming use, without the planning consent of Council and unless in conformity with the provisions and requirements of the Scheme, and the Council may require:*
 - i) *compliance with the requirements applicable to any zone in which the non-conforming use is carried on;*
 - ii) *compliance with the requirements applicable to any zone in which the non-conforming use would, subject to compliance with the other provisions of the Scheme, be permitted; and*
 - iii) *compliance with any requirements applicable to the use class in which the non-conforming use is comprised in any zone in which that use class would, subject to compliance with the other provisions of the Scheme be permitted or the Council may for the purpose of regulating the erection, alteration or extension of a building or buildings used in conjunction with a non-conforming use determine such requirements as it thinks necessary to secure the amenity, health or convenience of the area in addition to or substitution for any of the foregoing;*
 - b) *A non-conforming use shall not be extended beyond the boundaries of the lot or lots upon which the non-conforming use is in fact being carried on at the gazettal date.*
 - c) *If the building or buildings in which the non-conforming use is carried on are wholly within one lot at the gazettal date, the building or buildings shall not be extended beyond the limits of that lot.*
 - d) *If the building or buildings in which the non-conforming use is carried on are constructed on more than one lot at the gazettal date, the building or buildings shall not be extended beyond:*
 - i) *the land on which the building or buildings stand, and*
 - ii) *such land which is adjacent to the building or buildings and not being used for any other purpose authorised by the Scheme, as is reasonably required for the purpose for which the building or buildings are being used.”*

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

POLICY IMPLICATIONS

5. There are no Policy Implications relating to this item.

FINANCIAL IMPLICATIONS

6. There are no Financial Implications relating to this item.

STRATEGIC IMPLICATIONS

7. There are no Strategic Implications relating to this item.

COMMENT/DISCUSSION

8. This application seeks permission to establish a non-conforming use (jewellery sales) within part of the existing dwelling on the subject site. The existing building located on this property is currently used as a dwelling and as a fast food outlet (“Moby Dicks Fish and Chips”), which is a historical non-conforming use.
9. Clauses 5.2 and 5.3 of the scheme relate to the extension and change of non-conforming uses, which are permissible under certain circumstances. However this application seeks to establish an additional use and must be assessed on its own merits. It is proposed to convert a residential use to a shop in that part of the existing building.
10. The proposed “Shop” use is not permitted within the Residential zone. It is noted that the proposed use is of limited intensity, with operating hours being for only 2 hours per day at weekends. However the development will result in the further intensification of non-residential uses on the subject site, result in an increase in vehicular traffic to the subject site, set an undesirable precedent and result in potential lack of amenity to adjoining residential properties. Finally the proposal is contrary to the objectives of the residential zone and it does not encourage the “conversion” of existing uses to a use more consistent with the zoning of the land.

RECOMMENDATION

1. THAT Council resolves to issue a Notice of Refusal for Extension of Non-Conforming use to include a “Shop” usage at 60 South Coast Highway, Orana for the following reason:
 - a) The proposed use is not permitted within the “Residential” zone of Town Planning Scheme 1A.
 - b) The proposed development does not comply with the provisions of Clause 5.2 of the City of Albany Town Planning Scheme 1A.

Voting Requirement Simple Majority

.....

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR MARSHALL**

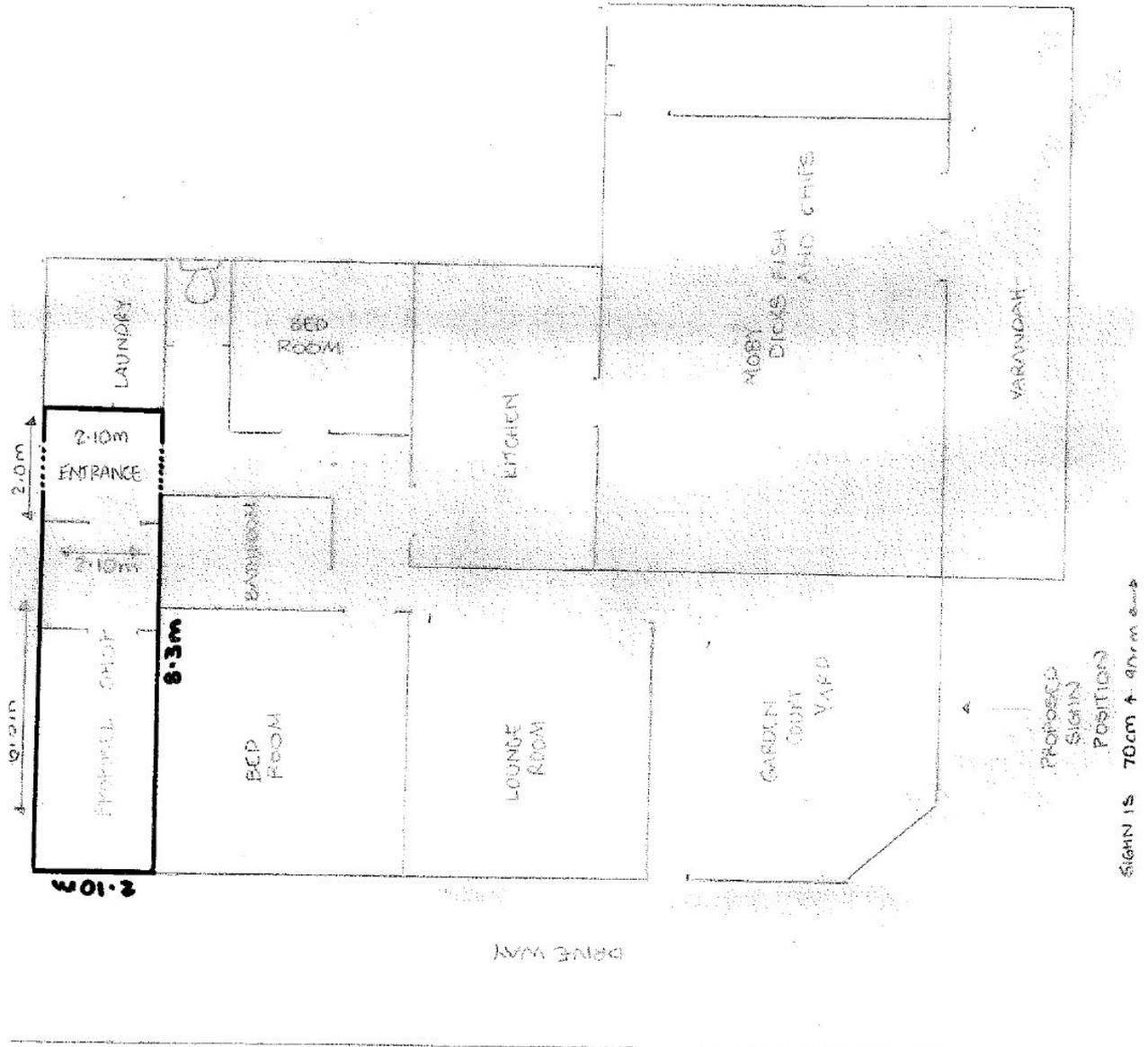
1. **THAT Council resolves to issue a Notice of Refusal for Extension of Non-Conforming use to include a “Shop” usage at 60 South Coast Highway, Orana for the following reason:**
 - a) **The proposed use is not permitted within the “Residential” zone of Town Planning Scheme 1A.**
 - b) **The proposed development does not comply with the provisions of Clause 5.2 of the City of Albany Town Planning Scheme 1A.**

CARRIED 11-0

Councillor Waterman returned to the meeting at 8.13pm after consideration of Item 11.1.2

ORDINARY COUNCIL MEETING MINUTES – 21/08/07
** REFER DISCLAIMER **
DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued



ORDINARY COUNCIL MEETING MINUTES – 21/08/07
** REFER DISCLAIMER **
DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued



Item 11.1.2 continued



DEVELOPMENT SERVICES REPORTS

11.1.3 Development Application - Engineered Strand Lumber Plant - Lot 100 Down Road, Drome

File/Ward : A171241 (West Ward)

Proposal/Issue : Proposal to construct Engineered Strand Lumber Plant

Subject Land/Locality : Lot 100 Down Road, Drome

Proponent : Lignor Ltd

Owner : Lignor Ltd

Reporting Officer(s) : Manager Planning & Ranger Services (G Bride)

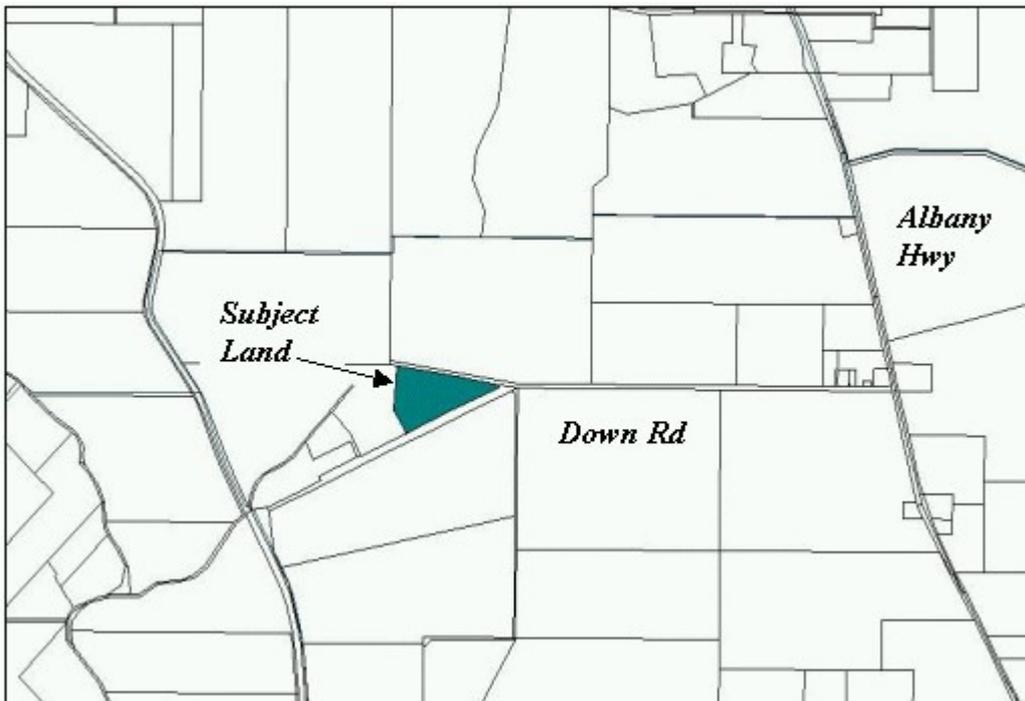
Disclosure of Interest : Nil

Previous Reference : Nil

Summary Recommendation : Grant Planning Scheme Consent

Bulletin Attachment : Planning Scheme Consent Application

Locality Plan :



DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

BACKGROUND

1. An application has been received from Lignor Ltd seeking Planning Scheme Consent for an “Engineered Strand Lumber Plant” on Lot 100 Down Road, Drome, see the Elected Members Report / Information Bulletin.
2. The proposed development involves the following infrastructure on the site:
 - The main processing and administrative building.
 - Three storage ponds (2 fresh water and 1 waste water).
 - A dry screening building.
 - A de-barker building.
 - A strander building.
3. The main processing building, where the strands will ultimately be turned into billets, has a floor area of approximately 2.1 hectares and at it’s highest point is 34.5 metres in height. The main stacks are 45 metres in height.
4. The development will employ approximately 150 people once operational (scheduled for completion by January 2009).
5. The estimated development cost of \$300 million exceeds staff’s delegation powers and therefore the application is presented to Council for deliberation.

STATUTORY REQUIREMENTS

6. The land is zoned “Special Use” (Code No. 17) within Town Planning Scheme No. 3. The use “Engineered Strand Lumber Plant” is a discretionary use, meaning Council has the ability to approve or refuse the proposed development.
7. The provisions contained within Special Use Code No. 17 requires the applicant to forward the following information with any application for development:
 - An Environmental Management Plan;
 - A Landscaping Plan;
 - A Traffic Management Plan;
 - Establishment of a Spill Response Procedure;
 - A Visual Resource Protection Plan;
 - A Dust Management Strategy;
 - A Waste Management Strategy;
 - A Hazardous Materials Management Strategy; and
 - Demonstration of Noise Attenuation Measures.
8. In accordance with requirements stipulated in the Scheme, the applicant has provided all the necessary documentation for Council’s assessment.
9. The proposal was advertised and referred, for a period of 21 days, to surrounding landowners and government agencies. Whilst responses have been received from Western Power and the Department of Water, responses from Main Roads WA, Department of Environment and Conservation and Health Department of Western Australia are still outstanding. Any responses received prior to the Council Meeting will be forwarded to Councillors. Only one public submission was received.

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

10. The Department of Environment and Conservation (DEC) are currently assessing a Works Approval application submitted by the applicant and it is anticipated that an approval will be issued shortly. The Works Approval issued by DEC will set licence conditions that Lignor Ltd will need to comply with to meet “acceptable environmental standards”.

POLICY IMPLICATIONS

11. Council adopted the policy entitled the “*Down Road Timber Processing Precinct - Noise and Hazard Management*”. This policy mapped the hypothetical noise emissions that would be emitted by the timber processing industries, identifying the extent of the 35dB(A) noise level (maximum recommended noise level) on surrounding properties.
12. The policy resulted in Landcorp negotiating with surrounding landowners on compensation for those landowners containing a portion of the noise buffer within their landholdings.

FINANCIAL IMPLICATIONS

13. In order to facilitate the development of the Timber Processing Precinct, the State Government has committed \$16.5 million to fund infrastructure works in the area. A new intersection at the junction of Down Road and Albany Highway to accommodate the significant increase in heavy vehicle movements will be constructed as part of the State Government’s infrastructure package.

STRATEGIC IMPLICATIONS

14. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision:

Albany’s community will enjoy economic growth and outstanding opportunities for our youth through...

- *Being the regional retailing and services hub;*
- *Innovative development complementing Albany’s unique character, natural environment and heritage.*

Mission Statement:

The City of Albany is committed to...

- *Providing sound governance; and*

Priority Projects:

Nil.”

COMMENT/DISCUSSION

15. Staff’s assessment of the proposal is based on four (4) key issues being:
 - Environmental Impact;
 - Noise Emissions;
 - Visual Impact & Landscaping; and
 - Traffic Management.

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

Environmental Impact

16. The applicant has prepared an extensive environmental management plan, which addresses the issues of wastewater from the plant, the treatment of solid waste, chemical storage and air emissions.
17. The development site is located within the Marbellup Creek Water Catchment area, which is a recognised future public drinking water source. In order to ensure this water resource is not compromised by the development, the applicant proposes to deposit wastewater into a lined holding pond that would capture sediment, litter, oil and other soluble and insoluble materials. The applicant intends to pump regularly from this basin and recycle the wastewater on site. The basin has been designed so as to not overflow in a 1 in 100 year storm event.
18. In relation to solid waste, the plant is expected to generate operational waste of wood residues, ash, oily wastes, packaging, old equipment, food waste, general office waste and wastewater treatment plant sludges. All solid wastes, except for sludge produced as a by-product of the wastewater plant, will be re-used as fuel for the heat plants. The sludge, after it is dried, will be transported to either the Water Corporation wastewater treatment plant or to landfill.
19. The regulated air pollutants from the plant would be nitrogen oxides, including nitrogen dioxide and nitric oxide, sulphur dioxide, carbon monoxide, total suspended particulates and volatile organic compounds including formaldehyde and pMDI. In high concentrations these chemicals can cause severe impacts on human health. The applicant is committed to meeting the National Environmental Protection Measure for Ambient Air Quality (NEPM AAQ), which sets maximum concentrations for air pollutants in Australia. The levels of maximum concentration cannot be exceeded at any residence, and the applicant has committed to ensure the levels are also not exceeded further out than the 35dB(A) noise line identified in the *“Down Road Timber Processing Precinct - Noise and Hazard Management”* policy. Air emissions modelling identified in the *“Works Approval Supporting Application”*, which includes an assessment of all climatic data available from the Bureau of Meteorology, indicates that the level of pollutants will be well below NEPM AAQ regulations.
20. The plant will utilise bag filters and wet electro-static precipitator’s (WESD’s) to prevent the majority of particulates being released into the atmosphere. As part of the works approval by the Department of Environment and Conservation, regular monitoring of the air quality will need to be reported to ensure compliance with the recognised health standards.
21. One objection has been received from a surrounding landowner in relation to the impact of air emissions on his organic farming enterprise and on the health of his family. Given the maximum pollutant concentrations generated by the development will be significantly less than the NEPM AAQ guidelines, air quality and human health are not expected to be compromised. The property is located approximately 4.5km from the proposed development.
22. The Department of Water has raised no objection to the development subject to no wastewater being generated from the premises, no contaminated stormwater leaving the site, no solid waste being stored in the open, stormwater being discharged after retention and the monitoring of groundwater and surface waters being undertaken.

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

Noise Emissions

23. The “*Down Road Timber Processing Precinct - Noise and Hazard Management*” policy sets the framework for noise emissions from the proposed Timber Precinct. A maximum 35dB(A) noise level has been defined in the policy based on broad noise modelling. The applicant has undertaken detailed modelling for this development (undertaken by Hering Storer Acoustics) with noise readings at the 35dB(A) buffer line, as per the policy, anticipated to be between 30 and 34dB(A) including truck noise. In relation to the nearest dwelling (to the south east), noise levels of between 21 and 24dB(A) are anticipated which are substantially lower than the minimum levels set by the Environmental Protection (Noise) Regulations 1997.
24. The strander and de-barker buildings, which will generate the most noise, will be located within a steel framed enclosure and have been positioned in the south-western corner of the property to increase buffer distances to surrounding dwellings. The majority of the processing equipment will be located inside a steel clad building with 50mm thick insulation in the walls and roof to reduce noise emissions. The applicant has also committed to ensuring heavy vehicle movements associated with log deliveries would occur during day hours only.

Visual Amenity / Landscaping

25. The main building is 35.0 metres in height with the highest stack being at 45.0 metres. The main building is setback approximately 160 metres from Down Road West. To put the heights into context, 35 metres would equate to an 11 storey residential building.
26. The applicant has recognised the need to reduce the visual impact of the building through the following measures:
- The main building will be clad in colorbond with colours sympathetic to the landscape.
 - An earth berm will be constructed around the site to reduce built form impacts on roads in the locality.
 - Earthworks would be undertaken to remove the ridge in the centre of the site so that buildings, especially the stacks, would not be located at the highest point in the landscape and to minimise structures being silhouetted against the skyline.
27. In order to accommodate air safety requirements, navigation lights will be placed on the higher stacks and these will be visible during night hours. The stacks are outside the recognised flight path for Albany airport and will not interfere or pose a safety risk with airport operations. All lighting associated with the plant will be directional to prevent light spill from encroaching beyond the property boundary.
28. The building will not be visible from Albany Highway, which is approximately 4.0 kilometres to the east or the Albany townsite, which is 15.0 kilometres to the south. Given the setbacks from Down Road West and the establishment of earth berms and landscaping, the impact of the building from Down Road West will be reduced significantly. The building will however be visible from surrounding properties to differing degrees.
29. Approximately 2.0 hectares of the site will be replanted with local native species.

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

Traffic Management

- 30. The Great Southern railway line between Albany and Perth is located to the west of the development site with a spur currently servicing the Wood Chip Mill. Whilst the spur line may be extended further east to service the subject land in the future, initially all materials will be transported via trucks. It is anticipated that at full production 168 truck movements a day will result, significantly adding to the number of vehicle movements along Down Road and Down Road West.
- 31. Down Road West is currently bitumen sealed and is of a suitable standard to cater for the additional truck movements generated by the development. The road will need to be upgraded and widened at entrance points to cater for turning pockets into the site and acceleration lanes on exit from the site. In order to ensure longevity of the road surface, asphalt surfacing at turning points would be needed.
- 32. Two access points to the site have been proposed; one being for staff and visitor vehicles and the other for the log trucks. The truck entrance and internal truck movements have been designed to cater for trucks as large as B-Triples (approximately 35.0 metres in length). The car park contains 154 parking bays, which would cater for the 150 staff that will work over one of two eight-hour shifts.

Summary

- 33. The proposed development has been accompanied by detailed technical and environmental information that clearly addresses the concerns of noise, air quality, visual impact, traffic management and wastewater discharge. Subject to the placement of conditions, staff recommend that Council supports the development.
- 34. The works approval application is currently being assessed by the Department of Environment and Conservation, and it would be prudent that staff be delegated to issue planning scheme consent once the Works Approval has been approved by this agency.

RECOMMENDATION

THAT, subject to the Works Approval Application being approved by the Department of Environment and Conservation, Council resolves to delegate authority to the Manager of Planning and Ranger Services authority to issue a Notice of Planning Scheme Consent for an “Engineered Strand Lumber Plant” at Lot 100 Down Road, Drome subject to, but not limited to, the following conditions:

- a) The development shall be undertaken in accordance with the plans, reports and undertakings provided by the applicant in the information supplied with the Development Application.
- b) Down Road West being upgraded by the applicant adjacent to the designated truck access/egress point, inclusive of asphalt surfacing for truck turning movements, to provide a right turn pocket and an acceleration lane for trucks exiting the property.
- c) A schedule of materials and colours for the buildings and stacks being supplied and approved, prior to the issue of a building licence.
- d) The land being landscaped in accordance with the submitted landscaping plan.

Voting Requirement Simple Majority

.....

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR MARSHALL**

THAT, subject to the Works Approval Application being approved by the Department of Environment and Conservation, Council resolves to delegate authority to the Manager of Planning and Ranger Services authority to issue a Notice of Planning Scheme Consent for an “Engineered Strand Lumber Plant” at Lot 100 Down Road, Drome subject to, but not limited to, the following conditions:

- a) The development shall be undertaken in accordance with the plans, reports and undertakings provided by the applicant in the information supplied with the Development Application.**
- b) Down Road West being upgraded by the applicant adjacent to the designated truck access/egress point, inclusive of asphalt surfacing for truck turning movements, to provide a right turn pocket and an acceleration lane for trucks exiting the property.**
- c) A schedule of materials and colours for the buildings and stacks being supplied and approved, prior to the issue of a building licence.**
- d) The land being landscaped in accordance with the submitted landscaping plan.**

CARRIED 12-0

N.B. Mr Fenn tabled the attached documents as late submissions to the proposal.

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

From: unknown Page: 3/3 Date: 20/08/2007 8:55:18 AM



18TH August 2007

ATTENTION: VERONICA

City of Albany Records
Doc No: EF7036349
File: A171241
Date: 20 AUG 2007
Officer: MAYOR;MLAA;MPR

Attach:

To LADY MAYOR AND ALL COUNCILLORS

City of Albany, W.A.

REGISTERED COMPLAINT

REDMOND COMMUNITY GROUP OBJECTION to LIGNOR Ltd Engineered Strand Lumber Plant. This a heavy industrial development proposing to locate in the 'Marbelup Water Reserve', Albany, W.A.

This location is a declared freshwater reserve 'Marbelup Water Reserve'. All existing and future drinking water source areas are protected under the 'Country Areas Water Supply Act 1985'.

The proposed Lignor Ltd Engineered Strand Lumber Plant is a noxious heavy industrial development and should not be located in the **MARBELUP WATER RESERVE/ MARBELLUP BROOK CATCHMENT AREA/ TORBAY CATCHMENT** which is an Internationally Significant water catchment.

- The Lignor Plant is expected to run 24 hours per day, 365 days per year.
- Gaseous air emissions 24 hours per day, 365 days per year.
- The reason why Lignor's chose Marbelup Water Reserve was because it could accommodate air emissions and heat plumes.

Marbelup Water Reserve is Albany's future source of freshwater and is hydrologically connected to the Albany Ground Water Area, and should be protected by the City of Albany.

Yours faithfully,

Jane Orchard
Liaison Officer
Redmond Community Group
Lot 1052 Marbellup North Road
Redmond, W.A. 6327

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued



Government of
Western
Australia



MAIN ROADS
Western Australia

Enquiries: Terry White on 9892 0539
Our Ref: 04/130709-05 D07#100885
Your Ref: A171241/PA20570/P275208

ABN: 50 860 676 021

15 August 2007



Graeme Bride
Manager Planning and Ranger Services
City of Albany
PO Box 484
ALBANY WA 6331

Doc No: City of Albany Records
ICR7036251
File: A171241

Date: 17 AUG 2007
Officer: MPR

Attach:

*Copied to all
Councillors*

Dear Graeme,

**LIGNOR ENGINEERED STRAND LUMBER PLANT
APPLICATION FOR PLANNING CONSENT**

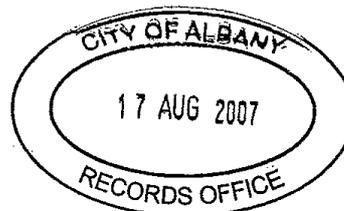
I refer to your letter dated 4 July 2007 requesting comment from Main Roads regarding the Lignor Ltd Application for Planning Consent to construct an Engineered Strand Lumber Plant at Lot 100 Down Road and I apologise for the time taken to reply.

Main Roads raises no objections to the construction of this facility in this location.

If you require any further information please contact Terry White on 9892 0539.

Yours sincerely

Andrew Duffield
REGIONAL MANAGER



DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

Copied to all Councillors.

F & E Gatti
P.O Box 720
Albany WA

20th August 2007

Chief Executive Officer
City of Albany
PO Box 484
Albany WA 6331

Dear Sir/Madam

NOTICE OF APPLICATION FOR PLANNING CONSENT FOR ENGINEERED STRAND LUMBER PLANT AT LOT 100 DOWN ROAD, DROME.

We wish to advise that we have concerns for this proposal of application, as a neighbour to this plant. Reasons being that we currently have an ongoing complaint with the current Down road Timber Processing precinct.

Since receiving notification in February 2006 advising us of the proposed changes to the Rural Zoning changes of land adjacent to Down road, we also received a noise and hazard management policy, which to put briefly, as worded in the policy, “based upon best practice management”.

Our property lies adjacent to the Down road precinct, we are at 726 North Marbelup rd. Subsequent to this, following the operation of this Processing precinct we noticed on several occasions what we consider to be excessive noise from the precinct, during times in the evening when we were trying to sleep.

We sent a letter of complaint to the City of Albany advising of this in 2006, we received a response in August 2006 from Gregg Harwood, this advised that noise measuring equipment would be obtained from the Department of Environment to measure noise on our property at different times.

Tests were performed on 28th and 29th September 2006, we did not receive the results for another 6 months, after March 2007. Results were outlined in detail in a report from the Department of Environment and Conservation, I must also add that the dates in the report have been typed incorrectly, they state 28th and 29th of September 2007, which clearly is not correct.

I have enclosed a copy of details in this report and highlighted where it clearly says “the results for the recordings indicate that all the assigned level parameters were significantly exceeded on both occasions” You may also notice that this is the same case with other readings taken from another neighbouring property in February 2007 (also notice error in report for date).

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

To conclude, we still have not had any further correspondence from the City of Albany in resolving this matter, so this gives us no reason to support the proposal for a Strand Lumber Plant at lot 100 Down Rd, especially if the City of Albany cannot efficiently deal with the existing complaint.

We have previously stated that we have no objection to the industry and what it will give to Albany, but it must be done with consideration to it's neighbours, without imposing unwanted noise pollution, or any kind of pollution.

We would appreciate a response to our letter advising what is to be done to resolve the existing matter, as well as prevention of unwanted pollution with the new Plant proposal, and any restrictions it may impose on us.

Yours sincerely

F & E Gatti

DEVELOPMENT SERVICES REPORTS**11.1.4 Subdivision Condition - Bayonet Head Outline Development Plan - Cost Sharing Contribution**

File/Ward	:	A44123 (Yakamia Ward)
Proposal/Issue	:	Payment of Contribution as Part of Bayonet Head Outline Development Plan
Subject Land/Locality	:	Lot 43 (442) Lower King Road, Bayonet Head
Proponent	:	Lowe Pty Ltd
Owner	:	Lowe Pty Ltd and Department of Housing and Works
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 20/02/07 - Item 11.1.6
Summary Recommendation	:	Accept Written Undertaking in Lieu of Payment
Bulletin Attachment	:	Nil
Locality Plan	:	

BACKGROUND

1. Upon the subdivision of lots in the Bayonet Head Outline Development Plan (BHODP) area, each developer is required to make a payment to Council for the shared costs that are attributed to the BHODP area. To provide equity amongst those landowners, whilst achieving the required level of co-ordination of road construction, drainage design and public open space within the BHODP area, a Schedule of Shared Costs was prepared to distribute the \$4.2mil cost estimate for primary infrastructure amongst the various land holdings. Once collected, those funds were to be returned to the individual landowners who were required to construct main drainage systems, roads, etc that benefited other landowners in the BHODP area.
2. Lowe Pty Ltd and the Department of Housing and Works are currently completing the earthworks and infrastructure provision for the first stage of a new subdivision at the junction of Elizabeth Street with Lower King Road. There is a subdivisional requirement that the developer contribute towards the Shared Costs identified in the BHODP and the developer is questioning the merits of making the contribution, given the recipient of the payment will be the joint venture partners.

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

STATUTORY REQUIREMENTS

3. Clause 5.2.4 of the City of Albany Town Planning Scheme No. 3 states:

5.2.4 PROVISIONS RELATING TO THE BAYONET HEAD OUTLINE DEVELOPMENT PLAN (ODP) AREA

- a) *No person shall carry out subdivision within the ODP area unless the Plan of Subdivision conforms to the adopted ODP for the area.*
- b) *Council intends to prepare and have adopted a Guided Development Scheme (GDS) to, amongst other things, establish a schedule of Shared Costs and to designate the basis upon which such costs are equitably apportioned between the landowners within the ODP area.*
- c) *Until the GDS is adopted and gazetted, any approval given to subdivide land within the ODP area is given on condition that the subdivider will pay his/her proportion of the Shared Costs as adopted by the Council and deemed applicable at the time of subdivision.*
- d) *Council shall prepare a Schedule of Shared Costs and shall make the Schedule available to the owners within the ODP area including an outline of the basis upon which the Shared Costs are to be apportioned between the subdividing owners pursuant to subclause (h) hereof.*
- e) *The Schedule of Shared Costs are to be reviewed annually in the month of July in each year. The Council shall, prior to their adoption, distribute the revised Shared Costs to the owners who will be allowed 21 days in which to comment.*
- f) *The applicable Shared Costs shall be the costs adopted by Council for each review period as referred in subclause (e) hereof.*
- g) *When any item of Shared Cost has not been paid or ascertained at the time of subdivision, they may be estimated by the Council. Payment of an estimate by a subdivider discharges the subdividers liability in respect of the item.*
- h) *The Shared Costs shall be apportioned in the proportion that the nett subdividable area of the land being subdivided bears to the total nett subdividable area of the land within the ODP area.*
- i) *A subdividing landowner shall pay his/her proportion of the Shared Costs to the Council prior to the Commission endorsing its final approval on any diagram or plan of subdivision.*
- j) *If any dispute arises between the Council and the subdivider in regard to the Shared Costs or their apportionment, such dispute may be referred for determination by a single arbitrator in accordance with the provisions of the Commercial Arbitration Act 1985. If an owner proceeds to arbitration under this subclause it shall preclude the owner the right to commence an appeal in accordance with the provisions of clause 6.7 of the Scheme.*

POLICY IMPLICATIONS

4. There are no Policy Implications relating to this item.

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

FINANCIAL IMPLICATIONS

5. A total amount of \$72,466 has been collected from developers within the BHODP area since the Schedule of Shared Costs was first adopted by Council. Approximately \$1,500 is consumed annually to update the information in the Schedule of Shared Costs and provision is made in the cost estimates for administration of the shared costs.
6. Under the current Schedule, Lot 43 is anticipated to make a payment in the vicinity of \$200,000 towards the BHODP shared costs. Of that sum, the developer's obligation to upgrade Lower King Road, install outfall drainage, etc would need to be deducted and/or refunded to the developer.

STRATEGIC IMPLICATIONS

7. Within the draft Albany Local Planning Strategy, the BHODP area is recognised for urban expansion. The development of the BHODP area is being promoted to improve traffic circulation in the current suburbs of Bayonet Head and Lower King, to create a more compact urban form for the city and to improve service delivery to residents on the north eastern fringe of the urban area.

COMMENT/DISCUSSION

8. In the previous report to Council, staff advised that;
 - the development of the BHODP area has been stifled in the past, according to developers, by the cost impost introduced by clause 5.2.4 of Scheme 3;
 - notwithstanding that a legal challenge to clause 5.2.4 of the Scheme found that the Scheme provisions were a fair and reasonable mechanism to distribute infrastructure costs amongst the various landowners, the Schedule of Shared Costs was seen as "the best of the worst options" by City Staff;
 - the BHODP itself is also now being subjected to challenge due to the lack of a detailed vegetation analysis upon the lots within the BHODP area and the capacity to reach the development yield predicted in the BHODP; and
 - of the remaining "major" landowners in the BHODP area, all agree that they would prefer the BHODP cost sharing arrangements to be abandoned and for any infrastructure upgrades beyond the boundary of a subdivision to be negotiated amongst neighbouring landowners.
9. Council resolved in February 2007;
 1. *THAT Council agrees "in principle" to the abandonment of the Cost Sharing arrangements in the area affected by the Bayonet Head Outline Development Plan, as detailed in Clause 5.2.4 of the City of Albany Town Planning Scheme 3, and that the current review of the Plan be undertaken in consultation with the remaining landowners, incorporate an appropriate mechanism to provide cost apportionment amongst participating landowners and identify the trigger points when infrastructure beyond the plan area boundary is to be installed.*
AND

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

2. *THAT Council undertake further consultation with the landowners in the Bayonet Head Outline Development Plan area to put in place interim infrastructure provisions arrangements, whilst the plan is being reviewed, and to resolve what is to happen to the contributions currently paid by subdividers pursuant to Clause 5.2.4 of the City of Albany Town Planning Scheme 3.*

10. Due to other work priorities, the consultation referred to in part 2 of the above recommendation has not taken place. The developer is rapidly approaching the time where he will be seeking a Clearance on the Diagram of Survey for the first stage of the Bayonet Head subdivision and Council staff will be called upon to certify that all the conditions of subdivisional approval have been met. There is currently no policy position of Council relating to this request and staff would be obligated to demand the payment of the Shared Costs, to then issue the Clearance on the Diagram of Survey and to then approach Council to gain approval to refund all or part of the monies collected under Clause 5.2.4 of the Scheme.

11. Lowe Pty Ltd and the Department of Housing and Works own most of the adjoining land parcels and the developers are meeting their own costs to install outfall drainage, supply Public Open Space, widen local roads, etc; the purchase of the required land and the provision of that infrastructure is costed into the Schedule of Shared costs and the developer will effectively be paying for that work twice under clause 5.2.4 (the initial installation and as a shared cost). This arrangement is counter productive, dramatically affects the developer's cash flows and is handed onto the consumer through the sale price for the lots.

12. Where roadwork or the provision of infrastructure is incomplete, at the time the clearances are sought from the City, Council can accept a bond to ensure any outstanding requirements are met. Providing a bond has less impact upon the developer's cash flow and it can be released with relative ease; determining the quantum of the bond may be problematic, given the developer's expectation that the company is entitled to a refund for the land supplied and the works undertaken on behalf of the BHODP.

13. Staff suggest that an exchange of letters occur, wherein the developer agrees to enter into negotiations with other landowners in the BHODP area at the earliest opportunity. The negotiations are to resolve and document an appropriate cost-sharing regime to achieve the broad objectives of the BHODP. Should those negotiations fail to deliver an effective solution, the developer would undertake to contribute the pre-determined costs identified under the BHODP cost sharing arrangements to Council and that payment would fall due prior to the issue of a clearance on the diagram of survey for the next subdivisional release in Bayonet Head. In return, Council would agree to issue an immediate clearance on the Diagram of Survey for stage 1 of the Bayonet Head subdivision.

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

RECOMMENDATION

THAT Council advise Lowe Pty Ltd and the Department of Housing and Works that, subject to a suitable exchange of letters;

- Where the developer undertakes to enter into negotiations with other landowners in the BHODP area at the earliest opportunity. The negotiations are to resolve and document an appropriate cost-sharing regime to achieve the broad objectives of the BHODP. Should those negotiations fail to deliver an effective solution, the developer would undertake to contribute the pre-determined costs identified under the BHODP cost sharing arrangements to Council and that payment would fall due prior to the issue of a clearance on the diagram of survey for the next subdivisional release in Bayonet Head; and
- Council agrees not to seek a payment from the developer under clause 5.2.4 of the City of Albany Town Planning Scheme No3, whilst the developer seeks to achieve his undertakings.

City of Albany staff be authorised to issue a clearance on the Diagram of Survey for the subdivision of Lot 43 (442) Lower King Road, Bayonet Head, verifying that the Bayonet Head Outline Development Plan cost sharing arrangements have been met.

Voting Requirement Simple Majority

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR JAMIESON**

THAT Council advise Lowe Pty Ltd and the Department of Housing and Works that, subject to a suitable exchange of letters;

- **Where the developer undertakes to enter into negotiations with other landowners in the BHODP area at the earliest opportunity. The negotiations are to resolve and document an appropriate cost-sharing regime to achieve the broad objectives of the BHODP. Should those negotiations fail to deliver an effective solution, the developer would undertake to contribute the pre-determined costs identified under the BHODP cost sharing arrangements to Council and that payment would fall due prior to the issue of a clearance on the diagram of survey for the next subdivisional release in Bayonet Head; and**
- **Council agrees not to seek a payment from the developer under clause 5.2.4 of the City of Albany Town Planning Scheme No3, whilst the developer seeks to achieve his undertakings.**

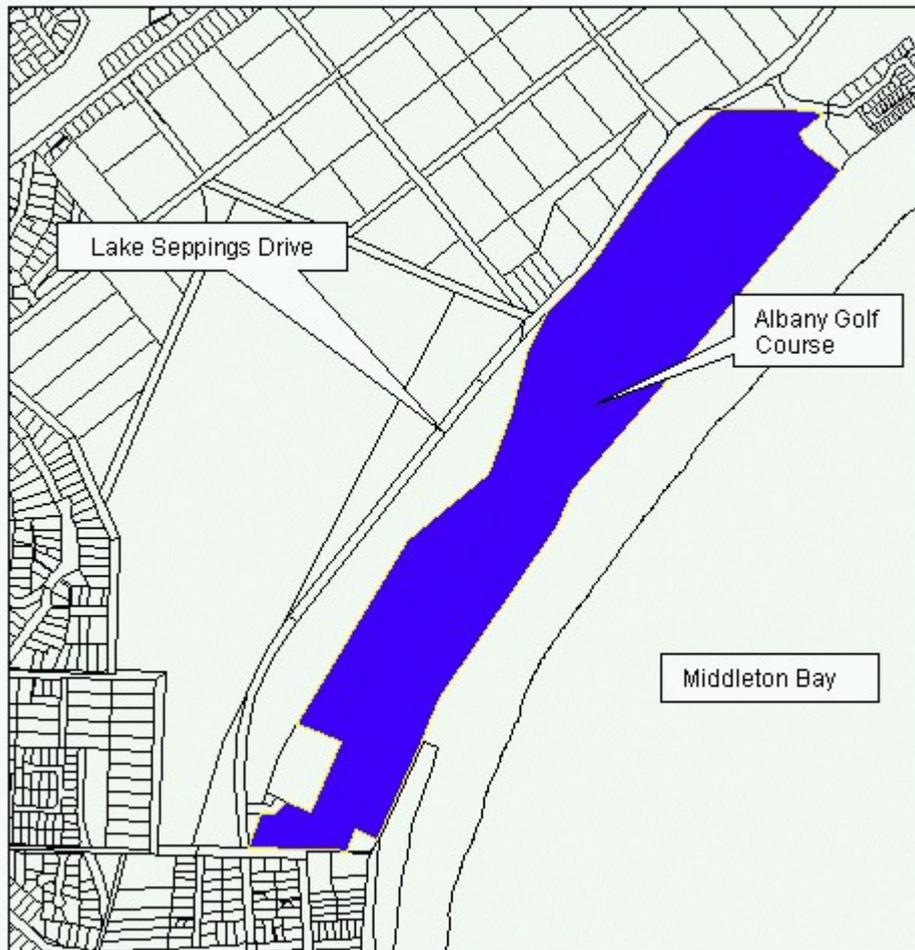
City of Albany staff be authorised to issue a clearance on the Diagram of Survey for the subdivision of Lot 43 (442) Lower King Road, Bayonet Head, verifying that the Bayonet Head Outline Development Plan cost sharing arrangements have been met.

CARRIED 12-0

DEVELOPMENT SERVICES REPORTS

11.1.5 Heritage Listing - Albany Golf Course

File/Ward	:	A186694, A145757, A136770, GOV032 (Breaksea Ward)
Proposal/Issue	:	Heritage Registration of Albany Golf Course
Subject Land/Locality	:	Reserves 412767 and 27629
Proponent	:	Heritage Council of WA
Owner	:	Crown
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 15/05/07 Item 11.1.1
Summary Recommendation	:	Seek Exclusion Area from Registered Site
Bulletin Attachment	:	Letter to HCWA and response
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

BACKGROUND

1. The Heritage Council of WA (HCWA) recently advised the City of its intentions to place the Albany Golf Course on the State Register of Heritage Places. City staff lodged an objection to the registration, highlighting that land at the southern extremity of the reserve is capable of being developed. The development potential of that land should not be fettered by the HCWA's actions to register the golf course. A similar objection was lodged by Tourism WA. Prior to the Minister for Heritage agreeing to the Interim Registration, she has requested that the HCWA liaise with the City of Albany on the proposed curtilage of the registered site.
2. At its meeting in May 2007, Council resolved to "*lay this item on the table for a period of one month to provide adequate time for Council to gain detailed information from the Heritage Council of WA on the operational impacts of entering the golf course on the State Register of Heritage Places*".
3. Included in the Elected Member's Report / Information Bulletin is a copy of the letter forwarded to the Heritage Council of WA, together with the response that has been received.

STATUTORY REQUIREMENTS

4. The *Heritage of WA Act 1990* requires any development within the curtilage of a heritage (State) registered site to be referred to the HCWA before the City considers the application. Any comment or condition supplied by the HCWA is required to be incorporated into Council's deliberations on the application.

POLICY IMPLICATIONS

5. Council engaged Patric de Villiers to review building heights throughout the City and he has recommended a three storey maximum height limit for any proposed development at the southern end of the golf course.

FINANCIAL IMPLICATIONS

6. The subject land is a Crown reserve and any financial benefits from the sale and development of the land will transfer to State Treasury.

STRATEGIC IMPLICATIONS

7. The southern extremity of the golf course adjoins residential and tourist related developments in Middleton Beach. Tourism WA is promoting the excision of a site from the golf course for a future tourism development.

COMMENT/DISCUSSION

8. It was previously reported that the HCWA is proposing to exclude the reserve upon which the former clubhouse was located (Reserve 41267) and the intervening land backing onto Wollaston Road from the proposed listing. The boundary recommended for that exclusion failed to recognise the actual layout of the course, and City staff brought forward an alternate boundary for consideration (see plan at the end of this report).

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

9. The advice received from the HCWA states that “any works that the Albany Golf Club forwards to the City of Albany for approval will need to be referred to the Heritage Council for advice”. The response goes on to say that “the Heritage Council can provide advice on works that may affect what is identified in the documentation as significant and not general maintenance / day-to-day matters”. This advice is at odds with the request from the City that the HCWA confirm, from the list of known golf club activities, what activities it wished to have referred.
10. Council is requested to consider its position on the proposed boundary for the site that will be subject to interim heritage listing. Formal consultation processes will follow in accordance with Heritage Act and the Minister for Heritage will consider any submissions received on the proposed listing.

RECOMMENDATION

THAT Council recommend to the Heritage Council of WA that the curtilage of the Albany Golf Course site to be included on the Interim List of the State Register of Heritage Sites be modified to exclude the area identified on the attached plan prepared by the City of Albany.

Voting Requirement Simple Majority

.....

ALTERNATE MOTION

**MOVED COUNCILLOR LIONETTI
SECONDED COUNCILLOR WALKER**

THAT Council lay on the table for 30 days the matter of the Heritage Listing of the Albany Golf Course.

CARRIED 7-5

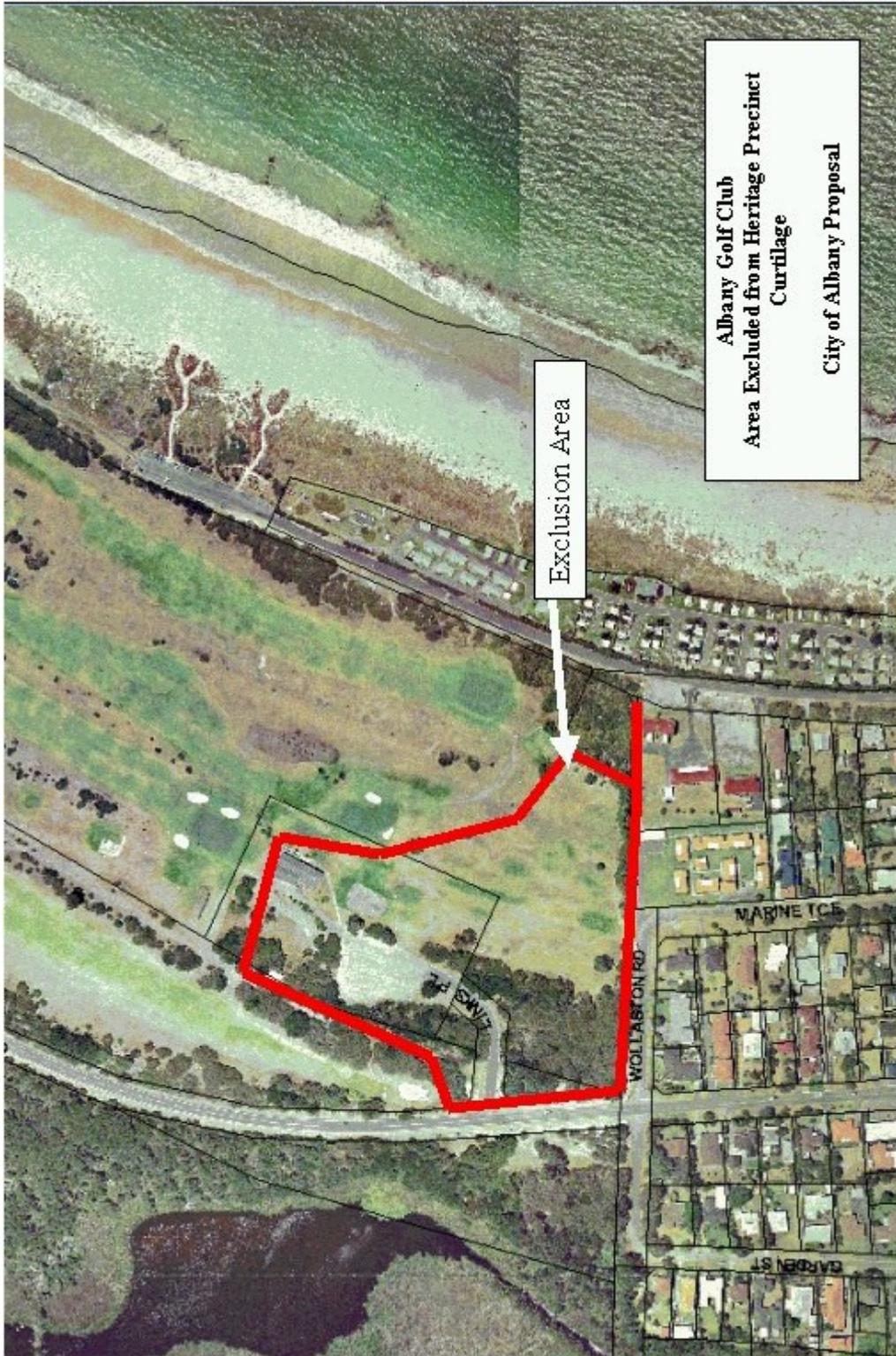
Reason:

The general membership of the Albany Golf club does not support Heritage Listing and is concerned that Heritage Listing will prevent development adjacent to the Golf Course. More time is needed to inform the Club of the impacts of Heritage Listing.

Record of Vote:

For: Councillor Marshall, Waterman, Wolfe, Walker, West, Lionetti and Wiseman
Against: Deputy Mayor Wellington, Councillors Paver, Bojcun, Evans and Jamieson

Item 11.1.5 continued



DEVELOPMENT SERVICES REPORTS

11.2 HEALTH, BUILDING & RANGERS

Nil

DEVELOPMENT SERVICES REPORTS**11.3 DEVELOPMENT POLICY****11.3.1 Final Adoption of Strategy Document - Albany Local Planning Strategy**

File/Ward	:	STR078 (All Wards)
Proposal/Issue	:	City of Albany Local Planning Strategy
Subject Land/Locality	:	Entire District
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 17/07/07 - Item 11.3.2 OCM 20/12/05 - Item 11.3.9
Summary Recommendation	:	Endorse Final Strategy and Forward to WA Planning Commission for Endorsement
Bulletin Attachment	:	Schedule of Submissions
Locality Plan	:	N/A

BACKGROUND

1. In December 2005, Council resolved to “*note & receive the draft ALPS and, subject to a final review of the contents of the draft ALPS, the strategy be forwarded to the Western Australian Planning Commission (WAPC) with a request that the document be assessed as soon as possible for compliance with the Regulation 12A(3) of the Town Planning Regulations and Council be permitted to advertise the Strategy in accordance with the Regulations.*”
2. On 9 August 2006, the City was advised that the Commission had granted its consent for Council to advertise the draft ALPS, subject to various minor modifications being made to the document prior to inviting public and government agency comment.
3. In September 2006, the ALPS was referred to relevant government agencies and advertised for public comment for a period of three months. Following requests from government agencies and the community, this was further extended for an additional month. During the four (4) month advertising period, Council officers made special presentations to professional and community groups. There were 65 formal submissions made on the draft ALPS. An Officer’s Report and Schedule of Submissions, with officer comments, was tabled at the July 2007 meeting of Council. A copy of the Schedule of Submissions is included in the Elected Members Report / Information Bulletin.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

4. Council resolved to “*lay this report on the table for a period of one month to provide an opportunity for City of Albany Planning Staff to adequately brief Councillors on the content of the recommended final draft of the Albany Local Planning Strategy*”. A Briefing was held on the 7th August 2007 to advise Councillors on the recommended response to the submissions.

STATUTORY REQUIREMENTS

5. Regulation 12A of the Town Planning Regulations 1967 states;
 - (1) *If a Scheme envisages the zoning or classification of land, the local government shall prepare a Scheme Report under Regulation 12 in the form of a Local Planning Strategy and forward the Local Planning Strategy to the Commission.*
 - (2) *Without limiting the operation of Regulation (1) a local government may prepare a Local Planning Strategy in respect of a Scheme approved by the Minister for which a Local Planning Strategy has not been prepared at any time it thinks fit and forward the Local Planning Strategy to the Commission.*
 - (3) *A Local Planning Strategy shall set out the long term planning directions for the local government, apply State and regional planning policies and provide the rationale for the zones and other provisions of the Scheme.*

Regulation 12B then advises that;

- (1) *When the Commission has certified a Local Planning Strategy as being consistent with regulation 12A(3), the local government shall, in the case of a Local Planning Strategy prepared under regulation 12A(1) advertise the Local Planning Strategy as if it were part of the Scheme.*
- (2) *When the Commission has certified a Local Planning Strategy as being consistent with regulation 12A(2) publish a notice of the Local Planning Strategy once a week for two consecutive weeks in a newspaper circulating in the Scheme area, giving details of where the Local Planning Strategy may be inspected and in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made.*
- (3) *After the expiry of the submission period the local government shall review the Local Planning Strategy in light of any submissions made and received, adopt the Local Planning Strategy with such modifications as it thinks fit to give effect to the submissions and advice; and submit a copy of the Local Planning Strategy to the Commission for its endorsement.*

POLICY IMPLICATIONS

6. The ALPS draws together several existing Council policies, strategies and related studies into a single overarching land use planning framework. Once adopted by Council and the Commission, ALPS will become the strategic document driving private sector investment and it will set the policy framework to promote sustainable development.

FINANCIAL IMPLICATIONS

7. The work undertaken on the ALPS has been funded from the annual budget(s).

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

STRATEGIC IMPLICATIONS

8. This item directly relates to the following elements from the City of Albany 3D Corporate Plan:

“Community Vision:

A Thriving City: Albany’s community will enjoy economic growth and outstanding opportunities for our youth through ...

- *Excellent community infrastructure and services;*
- *Innovative development complementing Albany’s unique character, natural environment and heritage; and*
- *Being the regional retailing and services hub.*

Mission Statement:

The City of Albany is committed to ...

- *Providing sound governance; and*
- *Promoting our Community’s vision for the future.*

Priority Projects:

Albany Local Planning Strategy and Town Planning Scheme.”

COMMENT/DISCUSSION

9. The final ALPS document placed before Council is a synthesis of the information contained in the draft (advertised) ALPS, the modifications recommended from the public consultation period, the findings of the Peer Review, instructions from the WAPC and updated information resulting from both the release of the 2006 ABS census and from the efflux of time. The final document also corrects earlier drafting errors and word processing errors identified by the WAPC.
10. From September 2006, over 200 printed and 300 electronic copies of the draft documents were distributed. Council officers also made themselves available for special presentations/briefing sessions to professional and community groups. There were 65 formal submissions made on the draft ALPS. The largest number was from planning consultants (19), followed by State Government agencies (12) and community organisations (6). The rest were submissions from individual landowners.
11. A draft Schedule of Submissions, with officer comments, has been distributed to Councillors and its content explained to Councillors at the briefing session.
12. The following summary draws out the main issues raised in the submissions, and the previous report to Council provided a detailed response to each issue;
- *Urban Development:* A number of submissions proposed changing parcels of land (approximately 588ha of land in total) in the draft ALPS from the “Rural Residential” and “Conservation” classifications to “Future Residential” land.
 - *Rural Living:* Submissions were lodged, proposing that 856ha of “Priority Agricultural” and “General Agricultural” land in the draft ALPS be designated to allow for 576ha of “Rural Residential” and 280ha of “Rural Small Holdings” development.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

- *Conservation*: Requests were received to change approximately 62ha of land in the draft ALPS from the “Conservation” classifications to “Future Residential” land. Confirmation was also sought that the “Conservation” classification in Big Grove would not compromise future subdivision.
 - *Future Urban*: Concern was expressed that the “Future Urban” priority classifications would restricts the opportunity for independent “urban villages” to be established in the short term.
 - *Peer Review*: In May 2007, the City of Albany and the Great Southern Development Commission sponsored a comprehensive Peer Review of the draft Albany Local Planning Strategy. The Peer Panel (Patric DeVilliers, Sharni Howe, Geoff Klem and Brian Newman) acknowledged that the ALPS has provided an extremely comprehensive data base on which to base the future planning of Albany. The Panel has recommended a number of areas where the ALPS needs to be reinforced and has also recommended political actions beyond the scope of ALPS to resolve.
13. Council is requested to refer to the previous officer’s report for detailed discussions on the above issues and to the Schedule of Submissions for responses to the individual concerns raised. The Schedule of Submission, by its very nature, is required to condense detailed submissions into simple statements; copies of the parent submission are available for Elected Members perusal if required.
14. Many of the submissions sought to achieve a “zoning right” for a particular parcel of land and that is not the function of the ALPS document. The scale of the mapping has been left deliberately large, and generic land use terminology used, to ensure that Council and the general public do not analyse individual lot development opportunities against ALPS. The ALPS provides a “broad planning framework” to guide the future development of the City and each application for subdivision and development needs to reconcile itself with that broad philosophy; a second tier of documentation (the Precinct Plans) will assist in translating that strategic overview down to a local level.
15. As part of its final deliberations on the adoption of the ALPS, Council needs to satisfy itself that an appropriate road map has been developed to ensure future generations of residents in Albany can enjoy a lifestyle that is synonymous with Albany’s sense of place. That lifestyle will be different to what Albany is today and was in the past.
16. Council is reminded that issue specific strategies are being prepared (Tourism) or need to be prepared (Industrial) in response to information gaps and legislative obligations. Those strategy reports will be submitted to Council in a final draft form from time to time and each will provide a more rigorous evaluation of a land use element than the broad evaluation contained in ALPS. Each new study, plus changes in government policy that will occur from time to time, will require ALPS to be reviewed to ensure the over-arching strategy reflects the most up to date data and it continues to provide a defensible strategic direction for the City’s growth.
17. ALPS is required by statute to be reviewed every five years. By undertaking regular reviews, the currency and relevance of ALPS is maintained and the statutory reviews become less arduous. To withhold the finalisation of ALPS until those other studies and reports are completed will leave a considerable strategy void for the development industry. Council is reminded that the ALPS (and future amendments to the strategy) only becomes part of the state planning framework after it has been finally adopted by the City and the WAPC.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

ADDENDUM

Omission of Submissions

18. Two submissions were omitted from the officer's original report.
- a. The first was from the South Coast Progress and Sporting Association and Sporting Club Inc. Little Grove. The submission supported the 'Conservation' classification on the southern side of Frenchman Bay Road and raised concerns on water supplies and conservation issues. . These matters have been addressed in the revised ALPS report. Refer to submission No. **68** for details.
 - b. The second concerned a tourist accommodation proposal for Plantagenet Locations 6508 & 6509, "Wandgee" Warriup Road, Green Range. Council at its February 2007 meeting considered a SAR Request and resolved to consider a rezoning proposal from the 'Rural' zone to a 'Special Use' zone subject to addressing 11 major issues. Proposals such as this one are considered on their individual merits through Council's normal statutory processes and as such there is no need to include them in the ALPS. Refer to the attached submission No. **69** for details.

These additional submissions do not change the officer's recommendation.

Additions to the ALPS Final Draft Document

19. The following additions have been made to the ALPS document to complete the report, to clarify issues and as a result of additional information becoming available.
- a. A Summary at the front of the document.
 - b. The following addition to **6.2.3 Future Housing Needs** (p 103).
A recent Urban Development Institute of Australia report, An Industry Report into Affordable Home Ownership in Australia, 2007 has reported that housing in Albany has gone from being 'Affordable' in 2001 to 'Unaffordable' in 2006. 'Unaffordability' is defined as when 15% or under of housing sales in Albany in 2006 cannot be purchased by the average household in the area.
 - c. Additional information for **8.3.2 Urban Lot Consolidation and Staged Incremental Development** (p134), namely;

The classifications of the ALPS 'Priority Development' from 1 to 5 areas to encourage incremental fully serviced development. This does not preclude Council/WAPC considering developer funded comprehensively planned and fully serviced urban nodes within defined future urban areas that are not consistent with their current priority classification. However, such development proposals will have to be consistent with Western Australian Planning Commission's Statement of Planning Policy No 3 Urban Growth and Settlement. The principles of this Policy require that any proposals will need to address the locations for housing, employment, commercial, recreational and other uses, coordinated with the efficient and economic provision of transport, essential infrastructure and human services.

These additions do not change the officer's recommendation.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

RECOMMENDATIONS

1. THAT;

- i) The Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either adopted or rejected as detailed;
- ii) The report of the Peer Review Panel on the Draft Albany Local Planning Strategy be received and the recommendations contained therein be actioned;
- iii) Council receive and endorse the modified Final Draft of the Albany Local Planning Strategy; and
- iv) The Albany Local Planning Strategy be forwarded to the Western Australian Planning Commission with a request that the document be endorsed as soon as possible in compliance with Regulation 12B(3) of the Town Planning Regulations.

Voting Requirement Simple Majority

.....

2. THAT the Chief Executive Officer actively pursue, through the State Government;

- i) The establishment of a Ministerial Taskforce to create a short term mechanism to establish an integrated strategy for urban growth in the City of Albany; and
- ii) The establishment of a Great Southern Planning Committee, with full delegated powers from the WA Planning Commission, similar to the Committee established in the South West.

Voting Requirement Simple Majority

.....

3. THAT, as a matter of procedure, Council requires staff, when submitting future land use strategy documents for Council consideration, to detail the implications of that strategy on ALPS and that, at the earliest opportunity after the adoption of any minor strategy document, ALPS be modified to reflect the agreed change in Council's strategy position.

Voting Requirement Simple Majority

.....

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR BOJCUN**

1. THAT;

- i) The Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either adopted or rejected as detailed;**
- ii) The report of the Peer Review Panel on the Draft Albany Local Planning Strategy be received and the recommendations contained therein be actioned;**
- iii) Council receive and endorse the modified Final Draft of the Albany Local Planning Strategy; and**
- iv) The Albany Local Planning Strategy be forwarded to the Western Australian Planning Commission with a request that the document be endorsed as soon as possible in compliance with Regulation 12B(3) of the Town Planning Regulations.**

CARRIED 12-0

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR BOJCUN**

2. THAT the Chief Executive Officer actively pursue, through the State Government;

- i) The establishment of a Ministerial Taskforce to create a short term mechanism to establish an integrated strategy for urban growth in the City of Albany; and**
- ii) The establishment of a Great Southern Planning Committee, with full delegated powers from the WA Planning Commission, similar to the Committee established in the South West.**

CARRIED 12-0

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR EVANS**

3. THAT, as a matter of procedure, Council requires staff, when submitting future land use strategy documents for Council consideration, to detail the implications of that strategy on ALPS and that, at the earliest opportunity after the adoption of any minor strategy document, ALPS be modified to reflect the agreed change in Council's strategy position.

CARRIED 12-0

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

Schedule of Submissions for Albany Local Planning Strategy (ALPS)**Modifications**

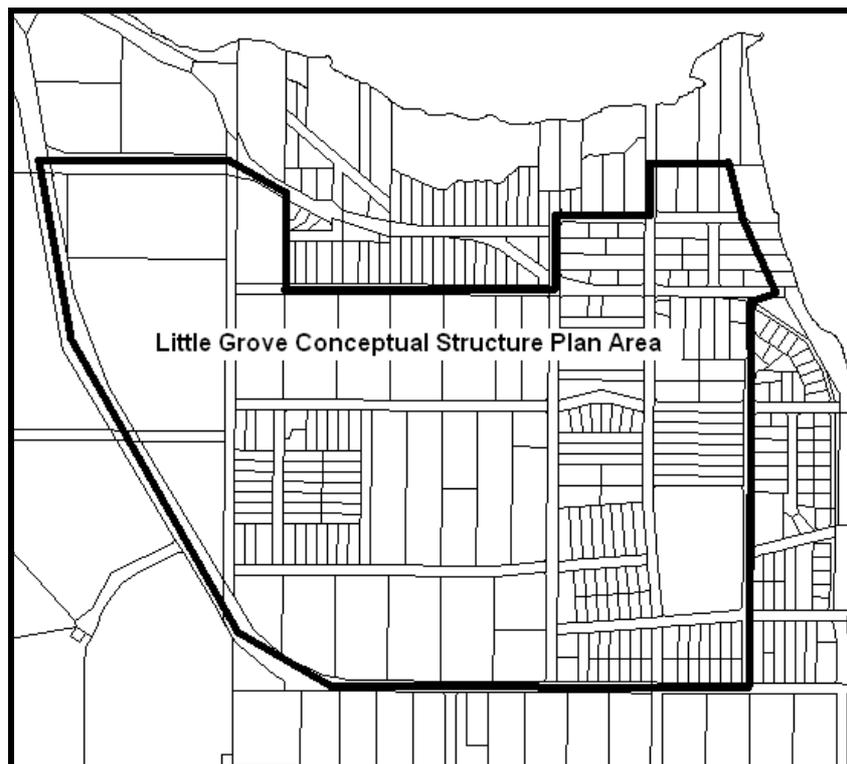
No.	Submitter	Submission	Officer Comment	Council Recommendation
69.	Smithson Planning 364 Middleton Road , ALBANY Locations 6508 & 6509 Warriup Road, Green Range	a) Proposal for Tourist Accommodation, namely a Resort Hotel comprising 60 chalets and 10 lodges, to be included in the ALPS.	a) Council at its February 2007 meeting considered a SAR Request and resolved to consider a rezoning proposal from the 'Rural' zone to a Special Use' zone subject to addressing 11 issues. This proposal will be considered on its merits through Council's normal statutory processes and as such there is no need to include them in the ALPS.	a) Dismiss..

DEVELOPMENT SERVICES REPORTS

Councillor Marshall and Mr Hewer (Executive Director Works and Services) declared a proximity interest in Item 11.3.2 and left the meeting at 8.36pm. The nature of their interest is that they reside in the Structure Plan area.

11.3.2 Final Adoption - Little Grove Conceptual Structure Plan

File/Ward	:	STR130 (Vancouver Ward)
Proposal/Issue	:	Identify Subdivisional Opportunities for Lots Zoned Residential Development in Little Grove
Subject Land/Locality	:	Little Grove - "Residential Development" Area
Proponent	:	City of Albany
Owner	:	Various
Reporting Officer(s)	:	Strategic Planner (A Nicoll)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 20/3/07 Item 11.3.2
Summary Recommendation	:	Adopt Policy as Final
Bulletin Attachment	:	Little Grove Conceptual Structure Plan (Amended) Schedule of Submissions
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

BACKGROUND

1. In March 2007 the City resolved to adopt for the purposes of advertising the draft document entitled “Little Grove Conceptual Structure Plan” (LGCSP).
2. The LGCSP has been developed as a response to the Water Corporation’s Little Grove Infill Sewerage Programme and the desire of some of the landowners in the area to subdivide; the current zoning precludes further subdivision of lots until reticulated sewer is provided.
3. The plan was referred to relevant government departments and advertised to the public for a period of 28 days. A public meeting was held at the South Coast Progress Association meeting room. At the meeting, residents were presented with an overview of the plan, its objectives and provided with the opportunity to discuss any concerns.

STATUTORY REQUIREMENTS

4. West Australian Planning Commission “*Guidelines for the preparation of Local Plans for Urban Release Areas*” sets out the procedure for the adoption of a Structure Plan. Clause 4.1 of these guidelines set out the “Procedural Requirements” and states:

“Prior to forwarding the Local Structure Plan to DPI, the local authority should ensure adequate community consultation. It should be satisfied that the local community has been made aware of the LSP and given the opportunity to make submissions to ensure that any community concerns are addressed at the earliest possible stage of the land development process. This will normally require the LSP to be advertised, as appropriate, for a minimum period of 28 days and any affected landowners (other than the proponent) to be notified and invited to make a submission. After considering any submissions the local authority should forward the LSP to DPI together with its comments on the submissions.”

5. Scheme 3 states at Clause 5.2 that;

“5.2.1 Before granting approval for any of the uses permitted within the Development Zones subject to Council approval under Table No. 1 or endorsing an application for subdivision the Council will require the submission to, and approval by, the Western Australian Planning Commission of an Outline Development Plan for such areas as are the subject of an application to develop or subdivide being not less than the area shown within the outer edge of the green border on the part of the scheme map containing the subject land, together with other areas determined by the Council having regard to:

- (a) the major road systems under the Scheme;*
- (b) topographic conditions;*
- (c) land holdings adjacent to or in the vicinity of the subject land;*
- (d) the necessity of providing civic and public facilities; and*
- (e) preservation of the environment.”*

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

POLICY IMPLICATIONS

6. There are no Policy Implications relating to this item.

FINANCIAL IMPLICATIONS

7. The in-house preparation of the LGCSP has been undertaken as a high priority action to coordinate and provide a framework for the assessment of land owner subdivision proposals upon the completion of the infill sewer programme. That work has been completed within the current budget.

STRATEGIC IMPLICATIONS

8. The LGCSP is consistent with the City's strategic planning framework, namely its Local Planning Strategy that classifies the study area as "Future Residential".

COMMENT/DISCUSSION

Purpose

9. The purpose of the structure plan is to provide a framework to facilitate residential land usage, further lot development, the coordinated provision of associated infrastructure and the provision of suitable local open space for the Structure Plan Area. It also fulfils the requirements of the City of Albany's Town Planning Scheme No. 3, to provide the planning basis for the Residential Development zoning of the subject land and to provide a reliable framework for fully serviced subdivision and development.

10. The following are the principle aims of the Conceptual Structure Plan:

- To promote a sustainable urban design and development approach;
- To encourage a walkable residential structure to access local community, retail and recreation facilities;
- To integrate new residential development in sympathy with existing established areas;
- To ensure a site responsive approach that maximises local features, such as retaining the existing landform (especially dune ridge lines and areas of significant remnant vegetation)
- To enhance local character and promote a sense of community;
- To provide a safe, convenient and attractive locality to meet the changing needs of a diverse community and offer a wide choice of housing types;
- To encourage a variety of lot sizes and housing types to cater for a variety of age groups, families, couples and singles;
- To promote the development of cost-effective and resource-efficient affordable housing;
- To encourage the expansion of the Little Grove activity centre to service a growing local and surrounding community;
- To provide a safe, convenient, legible and integrated movement network that facilitates walking, cycling and driving;
- To encourage the use of water sensitive design principles and minimise the export of nutrients; and
- To integrate the design of open space and water management.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

Consultation

11. The consultation process involved sending letters to government departments and the landowners within the plan area, placing an advert in the local newspaper, and facilitating a local community meeting. A total of twenty-four submissions were received and a summary of the submissions is presented in the Elected Members Report / Information Bulletin. Copies of the submissions are available upon request. The draft plan and supporting documentation have been changed in part to reflect the concerns raised in the submissions.
12. The following is an appraisal of the main issues raised in submissions and changes that have been made to the document to reflect the issues:
 - 12.1 Issue: The findings in the vegetation survey are incorrect in parts and as a result, the “non development” areas are incorrectly allocated.
 - Response: An environmental consultant undertook the vegetation survey. As an outcome of the survey, “non-development” areas have been defined on ridgelines and where vegetation has been classified as “good” to “pristine”. The “non-development” areas are to be kept as “a principle” to guide subdivision and development. The following modifications have been made to the document in support of the submissions: *“The City may support a minor variation to the ‘non development’ area boundaries subject to suitable justification and compliance with the objectives of the concept plan. The City may relax the requirement(s) for POS where the developer is setting aside land as ‘non-development’. The City may support the allocation of a ‘non-development’ area as ‘communal open space’ as part of a strata title subdivision.”*
 - 12.2 Issue: The areas designated and mechanisms for the provision of POS are unsuitable.
 - Response: The POS areas allocated in the plan have been deleted and replaced with principles to be used as a guide for the allocation and provision of POS (refer to Clause 3.2.4 of the concept plan). The principles have been taken from West Australian Planning Commission policy and the *Planning and Development Act 2005*.
 - 12.3 Issue: The aerial mapping is out of date and therefore does not reflect all the current building envelopes on the ground.
 - Response: Any buildings not shown on the plan(s) are to be acknowledged as “building envelopes”. This point has been clarified in the document at Section 3.1.1 (k); *“Any current building approvals/developments not illustrated on the plan(s) are to be acknowledged as ‘building envelopes’.*

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

- 12.4 Issue: The character of the area needs to be protected from medium to high density development. Density no greater than R5 (2000m²) was the preferred option.
- Response: The draft concept plan supported a split coding of R20/5, meaning that development at R20, would need to connect to deep sewer and to develop at R5, would not have to connect to deep sewer. The Department for Planning and Infrastructure (DPI) advised that the WAPC will make it a requirement that all development shall be connected to deep sewer, especially considering the area is located within the Water Corporations Water Sewerage Operating License Area.
The existing character of lot size in Little Grove ranges from 700m² to 2ha. The 700m² lot size is not too dissimilar from the residential density of 20 dwelling/hectare (R20). Based on the recommendation of the DPI, the existing lot sizes and expected pressure for development as a result of the availability of reticulated sewer, the final structure plan (proposed) applies a density of R20 (average 500m²) within cells 1 and 2. Cell 3 is to be maintained with large landholdings.
The opportunity for choice and a range in housing type and affordability is still maintained. The plan restricts clearing of good to pristine vegetation and development on the ridgelines (“non-development” areas) and therefore manages to maintain large tracks of land to help protect the character and amenity of the area.
- 12.5 Issue: Management of the foreshore needs to be taken into account.
- Response: The foreshore area is reserved for the purpose of “Parks and Recreation” with mechanisms already in place for its excision upon subdivision or management where it has already been ceded to the Crown. Specific areas are delineated with hard stands, signage and bollards for parking. Others are designated for walking and rehabilitation. Contributions taken at the subdivision stage for POS are to be used not only for the development of local parks within the concept area but also for the development and maintenance of the foreshore area for use by Little Grove residents. This has been acknowledged in the report (Section 3 *“The contribution may be used for the development of pathways, the foreshore areas and previously ceded POS areas in the locality”*).
- 12.6 Issue: The structure plan should acknowledge the Public Drinking Water Source Area - Priority 3.
- Response: Changes have been made to the plan to acknowledge the Water Source Protection Area (Priority 3).
- 12.7 Issues: The document should encourage self-sustaining development.
- Response: The plan states the following (refer to the “Objectives” section of the document): *“encourage the use of water sensitive design principles and minimise the export of nutrients”*; *“promote a sustainable urban design and development approach”*; and *“ensure a site responsive approach that maximises local features”*.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

12.8 Issue: The “non-development” areas are inappropriately located and rather than designating “non-development” areas, policies should be introduced to encourage and control development within the areas designated “non-development”.

- Response: Staff recommend the retention of “non-development areas”. The non-development areas are an important component of the plan, as a means of protecting the amenity of the area. Minor variations to the “non-development” areas, subject to justification, may be supported at the development and/or subdivision stages. The community requested that Council develop a Structure Plan, which protects the character and vegetation of the area by restricting development on the ridgelines. Development on the ridgelines inherently requires clearing for building envelopes and driveways. Buildings on ridgelines also have the potential to dominate the landscape. To be consistent with the LGCSP principles, the planning response is to restrict development on the ridgelines altogether. The following modifications have been made to the document (Section 3) in support of the submission;

The City may support the development of a building within a ‘non-development’ area as long as excessive clearing of vegetation is not required and the development (including access, building envelope and any buildings) cannot be viewed from strategic locations (neighbouring properties, main roads and tourist nodes).

CONCLUSION

13. The Little Grove Conceptual Structure Plan (LGCSP) provides an overall guiding set of principles for the assessment of subdivision, development and land use applications. In addition to the guiding principles are sets of performance standards that may be utilised, subject to the developer providing suitable justification.
14. The LGCSP fulfils the requirements of the City of Albany’s Town Planning Scheme No. 3 and the DPI guidelines for Structure Planning to provide a framework to facilitate development. The LGCSP balances the protection of the natural landform and remnant vegetation with the social need to provide for a variety of residential housing types, within the community framework focusing on legibility, orientation, walkability and housing affordability.

RECOMMENDATION

THAT

- i) The Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either noted, adopted or rejected as detailed; and
- ii) Council, pursuant to Clause 4.1 of the Department of Planning and Infrastructure’s “*Guidelines for the preparation of Local Plans for Urban Release Areas*” resolves to adopt the modified final draft of the “Little Grove Conceptual Structure Plan” and refer the document and submissions to the WA Planning Commission for its support.

Voting Requirement Simple Majority

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

ALTERNATE MOTION

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR WALKER**

THAT Council lay on the table for one month the matter relating to the final adoption of the Little Grove Conceptual Structure Plan.

CARRIED 11-0

Reason:

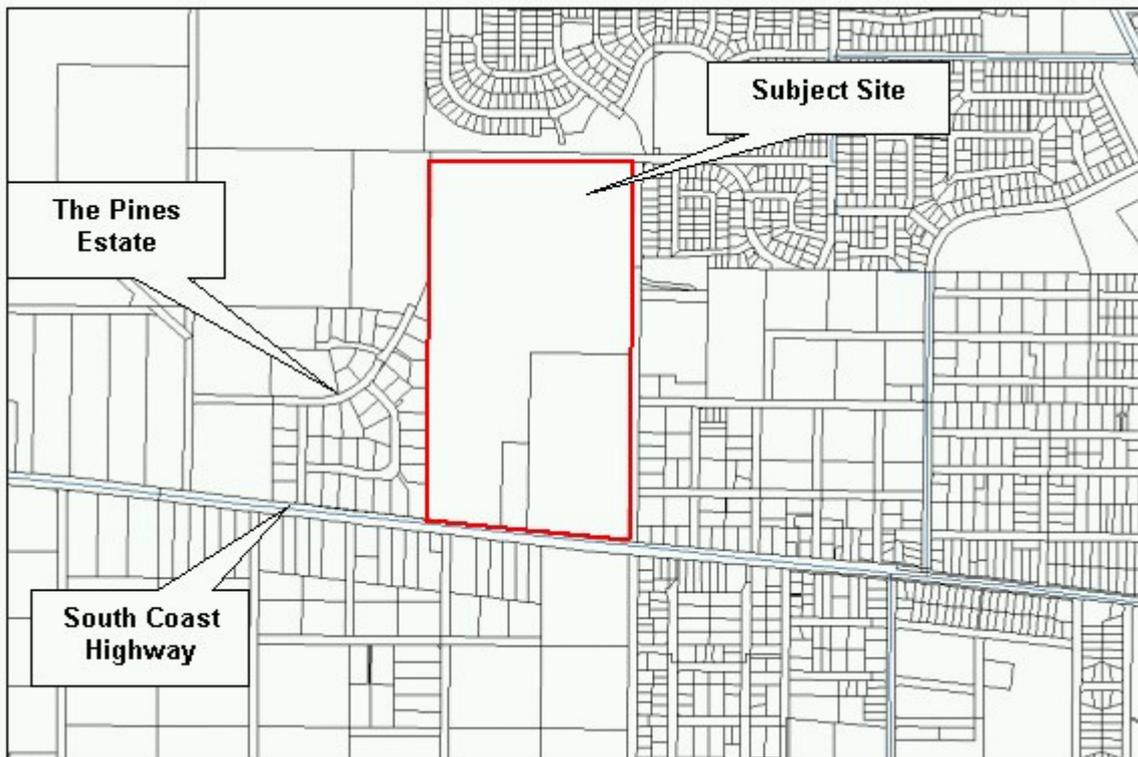
Residents in the affected area have expressed concern in relation to the identification of Public Open Space, cash in lieu for POS transactions and the potential for increased densities. These concerns need to be considered and addressed as part of the adoption of the Structure Plan.

Councillor Marshall and Mr Hewer returned to the meeting at 8.44pm following consideration of Item 11.3.2.

DEVELOPMENT SERVICES REPORTS

11.3.3 Final Adoption - McKail Local Structure Plan

File/Ward	:	STR244 (West Ward)
Proposal/Issue	:	McKail Local Structure Plan
Subject Land/Locality	:	Lots 1, 2 and 3 South Coast Highway, McKail
Proponent	:	Koltasz Smith Planning Consultants
Owner	:	Department of Housing and Works/D & V Bulman
Reporting Officer(s)	:	Senior Planning Officer (K Hughes)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Adopt McKail Structure Plan
Bulletin Attachment	:	Nil
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

BACKGROUND

1. The City adopted the McKail Structure Plan in April 1999, the purpose being to provide a set of overarching principles and a concept plan to guide subdivision and development in the McKail area; see copy of plan at the end of this report.
2. Since the adoption of the 1999 McKail Structure Plan, planning principles for the design of communities have changed. The changes are expressed in the state planning policy document *“Liveable Neighbourhoods” (Draft Operational Policy 2004)*. Some of the more relevant changes include:
 - better distributing traffic through the neighbourhood;
 - co-locating POS with schools and the natural environment (linear open space);
 - providing a greater diversity in density and therefore housing product; and
 - centrally locating mixed use shopping precincts.

STATUTORY REQUIREMENTS

3. Town Planning Scheme 3 states at Clause 5.2 that;

“5.2.1 Before granting approval for any of the uses permitted within the Development Zones subject to Council approval under Table No. 1 or endorsing an application for subdivision the Council will require the submission to, and approval by, the Western Australian Planning Commission of an Outline Development Plan for such areas as are the subject of an application to develop or subdivide being not less than the area shown within the outer edge of the green border on the part of the scheme map containing the subject land, together with other areas determined by the Council having regard to:

 - (a) the major road systems under the Scheme;*
 - (b) topographic conditions;*
 - (c) land holdings adjacent to or in the vicinity of the subject land;*
 - (d) the necessity of providing civic and public facilities; and*
 - (f) preservation of the environment.”*
4. If the council adopts the new plan, it is to be forwarded onto the Department of Planning and Infrastructure for adoption by the WAPC.

POLICY IMPLICATIONS

5. There are no policy implications relating to this item. As already expressed, the Structure Plan has been developed keeping in mind the principles defined in the *“Liveable Neighbourhoods” (Draft) Operational Policy 2004*.

FINANCIAL IMPLICATIONS

6. There are no financial implications relating to this item. The opportunity is available, at the time of subdivision and development, to obtain contributions for the development/upgrading of infrastructure.

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

STRATEGIC IMPLICATIONS

7. The City of Albany Local Planning Strategy (ALPS) has identified the subject land as being an ideal location to accommodate residential living. The following recommendations and issues identified in ALPS are considered relevant:
 - A Local Centre with an upper limit of 600 sqm retail floorspace shall be provided in McKail to provide a local convenience function. This is also in accordance with the Retail Development Strategy 2005.
 - Prepare structure plans, policies and design guidelines to increase residential density codes in selected localities in the Community Planning Scheme (CPS) to encourage diversity of housing stock in the urban area to meet changing household needs; and
 - Maximise the opportunities for a variety of lot sizes and establish appropriate zones, controls and mechanisms in the CPS to ensure the provision of sufficiently serviced urban land available to cater for the short to medium term (2010-2015).

COMMENT/DISCUSSION

Public Consultation

8. The proposed McKail Structure Plan was advertised for public inspection and comment. 21 submissions were received primarily from residents of the adjoining Pines estate. The primary issue raised by the public was the proposed vehicular route from the McKail Structure Plan area through the Pines estate to South Coast Highway.
9. The Structure Plan was also referred to Department of Planning and Infrastructure, Department of Water, Department of Environment and Conservation, Water Corporation, Western Power, Department of Health, FESA, Department of Education and Training, Telstra and Alinta Gas.
10. No response was received from Department of Environment and Conservation, Department of Health, FESA, Telstra and Alinta Gas. Responses citing no objections were received from Water Corporation, Western Power, Department of Water and the Department of Education and Training.
11. The Department of Planning and Infrastructure have requested an amendment to the text of the structure plan and an alteration of the plan map to facilitate the provision of intergenerational housing on designated lots adjoining the Local Centre. In order to achieve the provision of intergenerational housing, a density coding of R30/R40/R50 will be required. This principle is supported and it is recommended that amendments to the text and plan map be made. Refer to draft policy in the Elected Members Report / Information Bulletin.
12. A Schedule of Submissions is attached to the rear of the report, which includes officer comment and recommendations. A full copy of each submission is available upon request.

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

Definition Structure Plan

13. A Structure Plan is required to provide an overarching development concept for subdivision and development. The concept is required (as per state planning guidelines) to define a boundary, a vision, objectives, environmental features (e.g., wetlands, hydrology, flora and fauna), heritage values, location and provision of POS, a road network and hierarchy, an indicative lot pattern and proposed land uses or zones. The Structure Plan satisfies these requirements.

Purpose

14. The purpose of this report is to seek Council's support for the Structure Plan in order to enable the subdivision and development, in the short term for Lots 1, 2 and 3 South Coast Highway.

Boundary

15. The Structure Plan encompasses three lots within the area defined by the current McKail Structure Plan.

Location and Provision of Public Open Space (POS)

16. Around 4.199 ha or 10.46% of the Structure Plan is allocated for public open space. Final design details will be determined in conjunction with the City of Albany and relevant government agencies.

Road network and hierarchy

17. A hierarchy of roads has been illustrated, to provide for direct and logical movement. The network provides for a range of transport modes with a focus on pedestrian and vehicular access. The structure plan map includes the provision of a vehicular route along Radiata Drive through the Pines estate to the west. This element of the plan has been the subject of twenty objections from the residents of the Pines estate. Clydesdale Road has been designated as the principle vehicular route connecting Gregory Drive with South Coast Highway. It is considered that the route through the Pines estate is unlikely to carry substantial traffic volumes. Furthermore it provides connectivity for Pines estate residents to the local school, shops and other facilities, without them having to exit onto South Coast Highway. Within the former McKail Structure Plan, it was always envisaged that Radiata Drive would be extended into the adjacent residential area.

Indicative lot pattern

18. A base zoning of R20 is proposed with the majority of dwellings being anticipated to be lower density. Higher densities (R30/40) have been located adjacent to amenities such as the local shopping precinct, schools and areas of public open space (POS). The design has the potential to create a "sense of place" within the suburb, offering diverse and affordable housing.

Proposed land uses or zones

19. The provision of a small Local Centre at the junction of Gregory Drive and Clydesdale Road could ultimately provide up to 600m² of retail floor-space and a range of local services such as medical, childcare and community facilities.
20. Provision has been made for expanded playing areas and improved access to the proposed Primary School to the east of the Structure Plan area. Co-location of schools with POS provides for shared use of facilities, improves usage, security and surveillance and reinforces the role of the schools as community hubs.

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

Conclusion

21. The main purpose of the Structure Plan is to facilitate further staged development of Lots 1, 2 and 3 South Coast Highway, the rationale of which falls in line with the Albany Local Planning Strategy, State Planning Policy (Liveable Neighbourhoods document), contemporary planning principles and the integration of new development with existing urban areas.
22. Once the Council supports the Structure Plan, subdivision and development over Lots 1, 2 and 3 South Coast Highway may proceed.

RECOMMENDATIONS

1. The Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either adopted or rejected as detailed.
2. THAT Council, pursuant to Clause 5.2 of the City of Albany Town Planning Scheme 3 resolves to adopt the McKail Local Structure Plan for Lots 1, 2 and 3 South Coast Highway, McKail subject to the modifications outlined in the schedule of submissions.

Voting Requirement Simple Majority

ALTERNATE MOTION

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR JAMIESON**

1. **Except for the modification as outlined in Part 2(a) of this Motion, the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations either adopted or rejected as detailed.**
2. **THAT Council, pursuant to Clause 5.2 of the City of Albany Town Planning Scheme 3 resolves to adopt the McKail Local Structure Plan for Lots 1, 2 and 3 South Coast Highway, McKail subject to:**
 - a) **The current road forming an extension of Radiata Drive being clearly noted on the Structure Plan as a dual use path within a reserve capable of accommodating a future road connection, should it be needed at a later point in time.**
 - b) **All other modifications outlined in the Schedule of Submissions.**

CARRIED 12-0

Reason:

The residents of the adjacent Pines Estate have expressed concern about through traffic and related safety concerns should Radiata Drive be extended through the McKail Structure Plan area. It is anticipated that those residents in the Pines Estate who wish to access the local shop, public open space and primary school could walk to these facilities via a pedestrian link at the end of Radiata Drive, negating the need to access them by vehicle.

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

In the event that the Pines Estate is connected to sewer, and there is support from local residents to rezone the area to residential, by ensuring the reserve is wide enough, an extension of Radiata Drive could be constructed in the future.

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

McKail Local Structure Plan Schedule of Submissions

No.	Submitter	Submission	Officer Comment	Officer Recommendation
1	Department of Planning and Infrastructure	(a) Suggests changes to the structure plan text and map to facilitate the provision of intergenerational housing.	(a) Intergenerational housing allows a building to be easily modified for an additional unit. As demographics change owners can take the opportunity to divide their dwellings into two promoting more housing options for the community.	(a) Uphold (i) Introduce new sub heading titled 'Intergenerational Housing' and detail requirements outlined in the submission received from the Department of Planning and Infrastructure. (ii) Modify the Structure Plan map to define the area within which intergenerational housing will be applicable and introduce a proposed density coding of R30/R40/R50. (iii) Modify the Structure Plan map to cater for increased laneway widths to support intergenerational housing.
2	Department of Water	(a) Recommends that the pre-development flow rate for Willyung Creek be maintained. (b) Stormwater is to be contained on site (up to a one in ten year event) and disposed of via retention basis within the POS/drainage corridor within the McKail Structure Plan 1999. (c) Revegetation of foreshore areas along the drainage line is required to minimise nutrient export and reduce erosion. (d) An integrated urban water management plan addressing drainage and nutrient management issue will be required at subdivision.	(a) Noted. This is a subdivisional requirement. (b) Noted. This is a subdivisional requirement. (c) Noted. This is a subdivisional requirement. (d) Noted. This is a subdivisional requirement.	(a) Noted (b) Noted (c) Noted (d) Noted
3	Water Corporation	(a) No objection	(a) Nil	(a) Nil
4	Western Power	(a) No objection	(a) Nil	(a) Nil
5	Department of Education and Training	(a) Requests location of primary school oval equally between the proposed school site and the adjoining public open space.	(a) Noted	(a) Noted

DEVELOPMENT SERVICES REPORTS

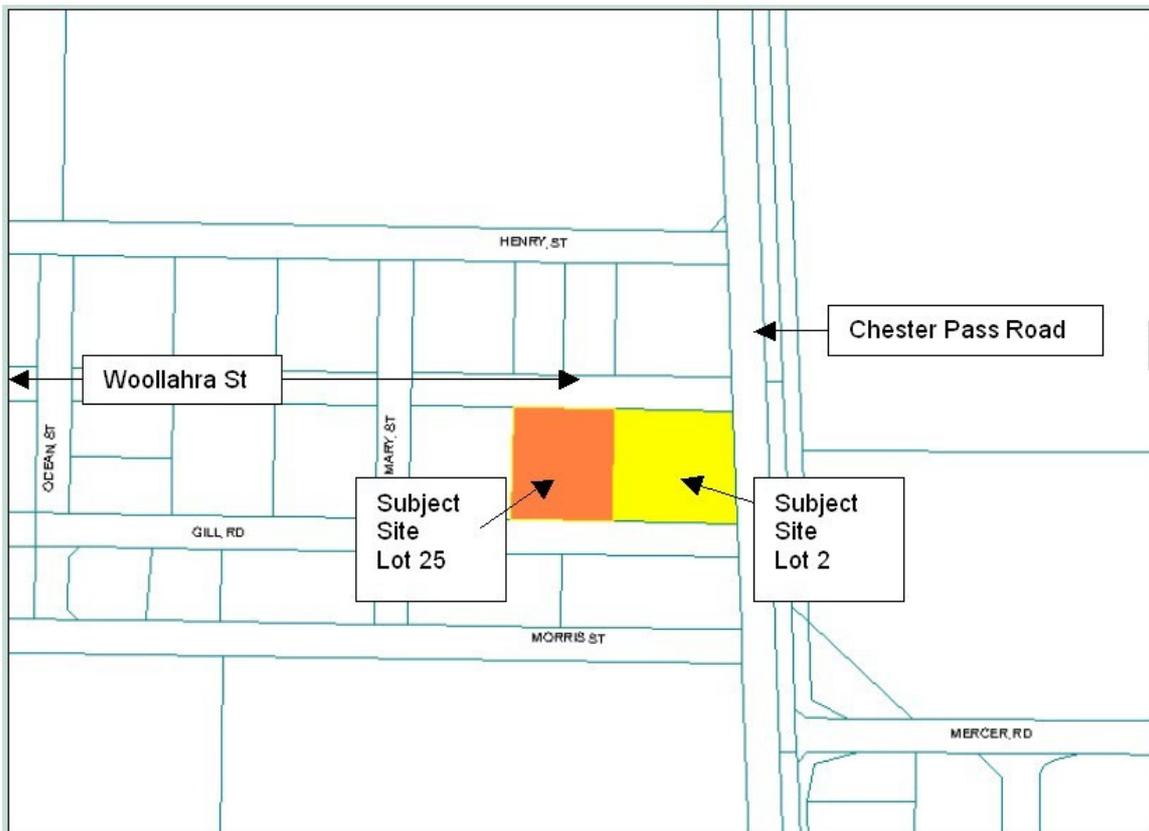
Item 11.3.3 continued

		<p>(b) It is noted that there will be no drainage reserve of the school site. All drainage is to be piped through culverts to ensure the shared oval is not subject to inundation. Requests that the oval can be constructed over the culverts as the entire length of the POS is required to place half the shared oval.</p> <p>(c) The department intends to engage a consultant to provide geo-technical, environmental and other advice as to the suitability of this site for a future primary school.</p>	<p>(b) Noted</p> <p>(c) Noted</p>	<p>(b) Noted</p> <p>(c) Noted</p>
6-25	Local Residents (Pines Estate)	<p>(a) Object to Radiata Drive being extended into the McKail Structure Plan area and a vehicular through route being proposed for noise, safety and traffic reasons.</p>	<p>(a) The road connection of Radiata Drive to the new subdivisional area is unlikely to carry "substantial" traffic volumes given Clydesdale Road will be the major connection between Gregory Drive and South Coast Highway. The road will connect the Pines estate to schools, local shopping and other infrastructure in the locality.</p>	<p>(a) Dismiss</p>
26	Ayton Taylor Burrell	<p>(a) General comments/no objection.</p>	<p>(a) Noted</p>	<p>(a) Noted</p>

DEVELOPMENT SERVICES REPORTS

11.3.4 Review of Outbuildings Policy - 223 Chester Pass Road, Milpara

- File/Ward** : STR018, STR046, A16635 (Kalgan Ward)
- Proposal/Issue** : Scheme Policy - Outbuildings Policy and Overheight and Oversize Outbuilding
- Subject Land/Locality** : Lot 2 Chester Pass Road and Lot 25 (223) Woollahra Street, Milpara
- Proponent** : Timothy Baird
- Owner** : TJ & NL Baird
- Reporting Officer(s)** : Manager Planning & Ranger Services (G Bride)
Planning Assistant (D Delury)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : Adopt Modified Outbuildings Policy
Issue Notice of Planning Scheme Consent for overheight and oversized outbuilding
- Bulletin Attachment** : Plans for 223 Chester Pass Road and proposed Outbuildings Policy
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

BACKGROUND

1. Council has supported three development applications for oversized sheds on large residential lots over the past six (6) months.
2. The existing Outbuildings policy does not differentiate, in terms of maximum outbuilding floor space, between a residential lot of 500m² and one of 1 hectare. A maximum floor area of 100m² applies to all outbuildings on “Residential” zoned land.
3. The purpose of this report is to review the current policy requirements for sheds on larger residential lots with the view to increasing outbuilding floor area dependent on the size of the property.
4. An application for an oversized and overheight outbuilding at Lot 2 Chester Pass Road and 25 Woollahra Street (225), Milpara has also been received and the proponent seeks Council’s support to relax the existing Outbuildings Policy.
5. The boundaries of Lots 2 and 25 are currently in the process of being realigned and will result in two lots of 6863m² and 2000m². This application relates to the 6863m² lot (depicted as Lot B on Diagram 1 in the Elected Members Report / Information Bulletin). The subject land is zoned “Residential” under Town Planning Scheme No. 3.

STATUTORY REQUIREMENTS

6. Clause 7.21.2 of Town Planning Scheme No. 1A requires the following procedure to be undertaken to make a Town Planning Scheme Policy operative.
 - “(a) The Council having prepared and having resolved to adopt a draft Town Planning Scheme Policy, shall advertise a summary of the draft policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the draft policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council.*
 - “(b) The Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the draft policy with or without amendment, or not proceed with the draft policy.*
 - “(c) Following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the scheme documents for inspection during normal office hours.”*
7. Clause 7.21.3 of Town Planning Scheme No. 1A requires the following procedure to be undertaken when altering or rescinding a Town Planning Scheme Policy.
 - “(a) Preparation and final adoption of a new policy pursuant to this clause, specifically worded to supersede an existing policy.*
 - “(b) Publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.”*
8. Clauses 6.9.2 and 6.9.3 of Town Planning Scheme No. 3 requires the same procedure as Clause 7.21.2 and 7.21.3 of Town Planning Scheme No. 1A to be undertaken to make a policy operative.

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

POLICY IMPLICATIONS

9. Any alterations to the City of Albany – Outbuilding Policy would be an amended Town Planning Scheme policy to be adopted by Council under the provisions of Clause 7.21 of Town Planning Scheme 1A and Clause 6.9 of Town Planning Scheme 3.

FINANCIAL IMPLICATIONS

10. Council is required to advertise the adoption of the policy in the local newspaper at it's own cost for two consecutive weeks.

STRATEGIC IMPLICATIONS

11. This item directly relates to the following elements from the City of Albany 3D Corporate Plan:

“Community Vision:

A Thriving City: Albany's community will enjoy economic growth and outstanding opportunities for our youth through ...

- *Excellent community infrastructure and services; and*
- *Innovative development complementing Albany's unique character, natural environment and heritage.*

Mission Statement:

The City of Albany is committed to ...

- *Providing sound governance; and*

Priority Projects:

Nil.”

COMMENT/DISCUSSION

12. Applications for domestic outbuildings are processed against Council's existing “Outbuildings Policy”, which has been operational since its adoption in September 2005.
13. Owners of larger residential lots (generally in localities such as Milpara, Little Grove and Gledhow) have expressed concern that the outbuilding policy is too restrictive in treating all residential lots in the same manner. As the lot size increases generally the impact of a larger structure on surrounding residents and the streetscape reduces.
14. An oversized outbuilding on 15 Kurannup Road, Bayonet Head was refused by Council in July last year, but ultimately approved on review by the State Administrative Tribunal. In that case a 138m² outbuilding was proposed on a 3704m² lot, representing a 38m² relaxation of Council's Policy. In deciding in favour of the landowner SAT made the following statements:

“In this case, the proposed shed is located on a large residential site and would not be used for industrial or commercial purposes. It would not be built with reflective material and would not be in a visually prominent location.

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

In summary, the proposal meets the principal aim of the Policy in that it achieves a balance between providing for the legitimate needs of the applicant and ensuring that the location of the proposed shed will minimise any adverse impact on the neighbours in particular, and the street in general. In that sense, the proposal would not have a detrimental impact on the residential amenity of the area.”

15. Staff highlighted during the review that subdivision of the property to a smaller lot size was possible and that the larger outbuilding could be visually dominating on a resultant smaller lot. The view of the Tribunal was that Council could recommend to the Western Australian Planning Commission that the sheds be demolished on policy grounds depending on the configuration of the intended lots.
16. Staff have prepared an amended “Outbuilding Policy” for Council’s consideration which introduces the following amendments to Table 1 of the Policy:

Zoning	Max. Wall Height	Max. Ridge Height	Max. Floor Area (combined floor area of all outbuildings on lot)	Special Requirements
Residential / Future Urban / Residential Development Zone (Lots 1000m ² - 4000m ²)	3 metres	4.2 metres	120m ²	If floor area of outbuildings is to exceed 60m ² the use of non-reflective materials is required.
Residential / Future Urban / Residential Development Zone (Lots above 4000m ²)	3.5 metres	4.2 metres	150m ²	If floor area of outbuildings is to exceed 60m ² the use of non-reflective materials is required.

17. The proposed amendments allow an extra 20m² of outbuildings for lots greater than 1000m² but less than 4000m², and an extra 50m² of outbuildings on lots greater than 4000m² (an acre). An extra 0.5 metres has been proposed for wall height for those outbuildings on lots larger than 4000m².
18. Irrespective of Council’s decision on a change in the policy, a request has been received to place an outbuilding on a Chester Pass property. The outbuilding proposed at 223 Chester Pass Road, Milpara would be 110.5m² and would be in addition to an existing outbuilding of 36m² (a total of 146.5m²). This would exceed the existing allowance by 46m². Another shed on the property is proposed to be demolished as part of the application.
19. The proposal would meet the draft policy, if adopted by Council, as the property is above 4000m² in area.

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

20. The proposed outbuilding is also over height by 0.5m (height = 3.5m) and would also comply under the proposed policy. The applicant intends to store a boat in this outbuilding, hence the requirement for added height. The side and rear walls are to have 0.5m concrete walls that will be back filled with soil and grassed. This will reduce the visual impact of the extra height as only 3m of colorbond wall will be exposed on the outside. New Lot A will be situated between the proposed outbuilding and Chester Pass Road and it is proposed to plant shrubs at the rear boundary to also reduce any visual impact.

RECOMMENDATIONS

THAT Council:

1. Adopts the revised Outbuilding Policy as a draft policy and agrees to advertise the policy for public comment in accordance with Clause 6.9.2 of Town Planning Scheme No. 3 and Clause 7.21.2 of Town Planning Scheme No 1A.
2. Resolves to issue a Notice of Planning Scheme Consent for an Oversized and Overheight outbuilding at Lot 25 Woollahra Street, Milpara subject to the following conditions:
 - i) The outbuilding being used for domestic storage only and not for commercial or industrial use or human habitation.
 - ii) The existing outbuilding identified on Diagram 1, being demolished prior to the issue of a building licence for the 110.5m² outbuilding.

Voting Requirement Simple Majority

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR BOJCUN**

THAT Council:

- 1. Adopts the revised Outbuilding Policy as a draft policy and agrees to advertise the policy for public comment in accordance with Clause 6.9.2 of Town Planning Scheme No. 3 and Clause 7.21.2 of Town Planning Scheme No 1A.**
- 2. Resolves to issue a Notice of Planning Scheme Consent for an Oversized and Overheight outbuilding at Lot 25 Woollahra Street, Milpara subject to the following conditions:**
 - i) The outbuilding being used for domestic storage only and not for commercial or industrial use or human habitation.**
 - ii) The existing outbuilding identified on Diagram 1, being demolished prior to the issue of a building licence for the 110.5m² outbuilding.**

CARRIED 12-0

DEVELOPMENT SERVICES REPORTS

11.3.5 Initiate Scheme Amendment - Lot 124 Gladville Road, McKail

File/Ward : AMD267 (West Ward)

Proposal/Issue : Request to rezone land to “Residential Development”

Subject Land/Locality : Lot 124 Gladville Road, McKail

Proponent : Harley Survey Group

Owner : R Forgioni

Reporting Officer(s) : Senior Planning Officer (K Hughes) and TME Planning Consultants

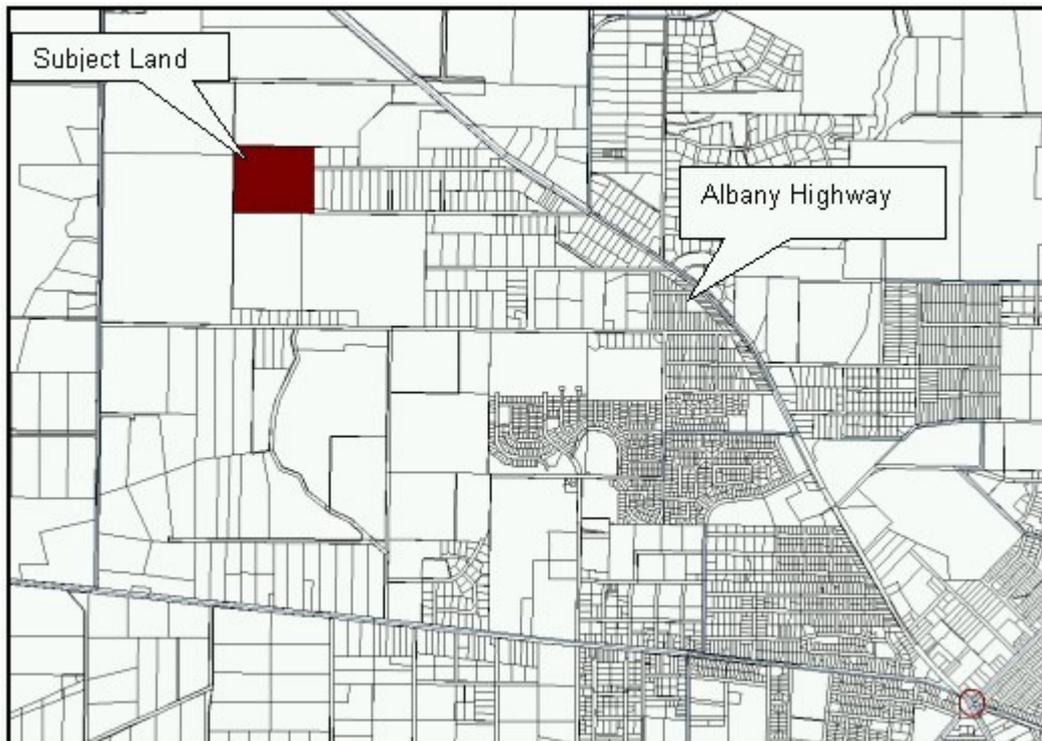
Disclosure of Interest : Nil

Previous Reference : OCM 20/02/07 - Item 11.3.1

Summary Recommendation : Initiate the amendment

Bulletin Attachment : Amendment document

Locality Plan :



DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

BACKGROUND

1. An application to amend the zoning of Lot 124 Gladville Road, McKail from the “Special Rural” zone to the “Residential Development” zone has been received. The property is 15.5ha; it is mostly pastured with two dams and an intermittent drainage line located close to the northern boundary of the land running east to west on the property. There are no structures located at the site.
2. A Scheme Amendment Request was previously received and considered by Council at the ordinary meeting of 20th February 2007 at which time it resolved;

“THAT, subject, but not limited to, the following matters being addressed to the satisfaction of Council:

- i) A land capability assessment;*
- ii) Outline development planning; and*
- iii) An identification of servicing needs and infrastructure requirements to accommodate future subdivision.*

Council advises that it is prepared to entertain the submission of a formal application for rezoning Lot 124 Gladville Road, McKail from the ‘Special Rural’ zone to the ‘Residential Development’ zone.”

3. The lot is majority cleared (pasture) with two dams and an intermittent drainage line located close to the northern boundary of the land running east to west. It has a level gradient and comprises an area of approximately 15.5 hectares. Council recently supported a scheme amendment request to rezone the properties to the south (Lots 300, 507 and 526 Lancaster Road) to fully serviced “Residential Development”.

STATUTORY REQUIREMENTS

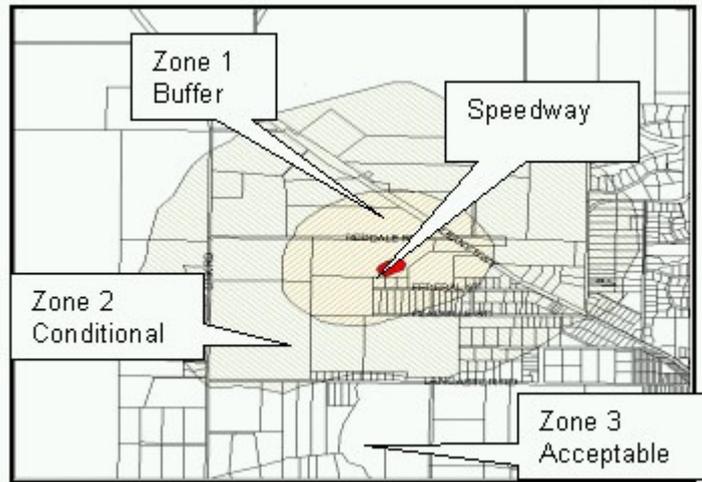
4. Council’s resolution under Section 75 of the Planning & Development Act 2005 is required to amend the Scheme.
5. An amendment to a Town Planning Scheme adopted by resolution of a local government is to be referred to the Environmental Protection Authority (EPA) for assessment.
6. Advertising of an amendment for public comment is for a period of 42 days and is not to commence until the EPA has determined that the amendment is environmentally acceptable.
7. In considering the acceptability of a proposal for residential land use, the EPA will assess issues such as noise, vibrations, odours and light emissions that may adversely impact on any such proposal.
8. For assessment of a proposal by the EPA, a minimum standard of application and indicative densities and lot layout may be required. If inadequate detail is supplied within an amendment document, the EPA may advise that they are unable to assess an amendment proposal.
9. A resolution to amend a Town Planning Scheme should not be construed to mean that final approval will be granted to that amendment.

DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

POLICY IMPLICATIONS

10. The WAPC Statements of Planning Policy No's 1 and 3 establish the general principles for planning in Western Australia. Their primary aim being to provide for the sustainable use and development of land by reducing energy consumption, consolidating development where there are existing services, supplying a range of suitable land for a variety of housing and to coordinate new development with the efficient, economic and timely provision of infrastructure and services.
11. A "Speedway Definition Study" conducted by Herring Storer Acoustics concluded that noise received at locations around the Speedway be categorised into 3 zones - a "buffer zone", a "conditional zone" and "acceptable zone" (refer to following diagram). The subject land falls within the "buffer zone". The study concluded that *no residential development be permitted within the "buffer zone"*.



12. Following completion of the "Speedway Definition Study", at its meeting dated 19th October 2004 the Council resolved to adopt a "Speedway Noise Buffer Policy" for the City of Albany. Contrary to the recommendation of the definition study, the policy adopted by the Council supports new development within the "buffer zone" as long as measures are incorporated to advise purchasers within the buffer area of:
 - the speedway operations and noise generated during their events; and
 - methods of noise attenuation in planning the construction of new residences within the buffer area.

FINANCIAL IMPLICATIONS

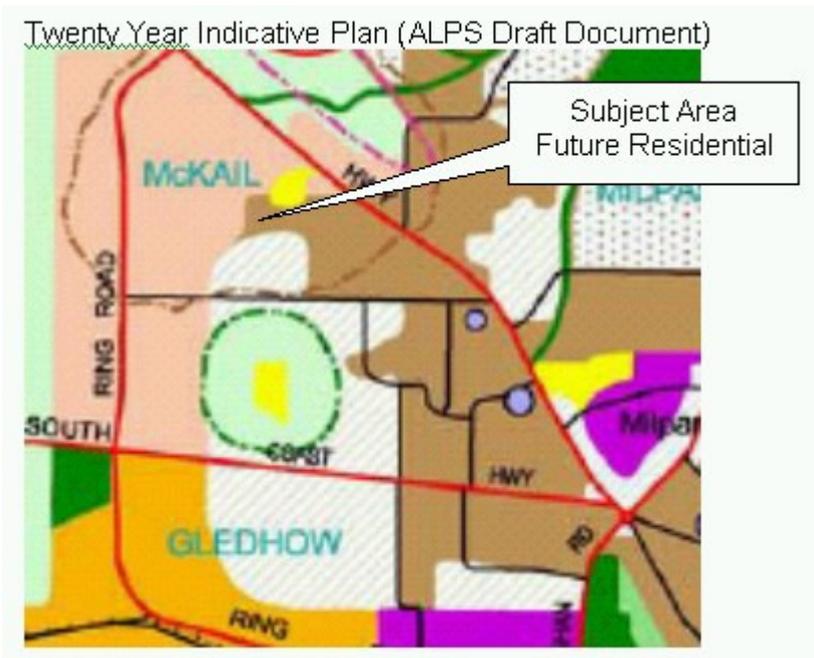
13. There are no immediate financial implications relating to this item. Residential development will place future pressure on the need to improve supporting infrastructure (eg. roads and drainage) within the vicinity however the majority of the cost & cost sharing for infrastructure may be identified at the structure planning stage and the required contributions sought at time of subdivision.

DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

STRATEGIC IMPLICATIONS

14. The subject site is identified within the (Draft) Albany Local Planning Strategy document (plan 9b) as within an area of either existing residential or being suitable for fully serviced ‘Future Residential’ development. The document requires planning and development of the area in an efficient and coordinated manner, as a logical extension of existing settlements and with retail, service and community infrastructure. As part of a structure plan required for development, studies will need to be conducted to identify the need, distribution and cost sharing for retail, service and community infrastructure.



15. The Lower Great Southern Strategy (20-30 year strategy for the Great Southern Region) identifies the importance of sustainable land uses. The State Planning Strategy recommends the consolidation of existing housing stock and the provision for a variety of housing available to residents in the City.

COMMENT/DISCUSSION

Proposal

16. The application requests the support of the Council for the rezoning of Lot 124 Gladville Road, McKail from the “Special Rural” zoning to a “Residential Development” zoning. A copy of the amendment document is included in the Elected Members Report / Information Bulletin.

Opportunities

17. The “Residential Development” zoning complies with the strategic intent (“Future Residential”) for the area and on face value does not present any environmental concerns. The objective of the rezoning is to make available land for residential development at a higher density (R20) than what is permitted under the current zoning of Special Rural. An opportunity exists for the development of the area subject to the connection of all services and structure planning in conjunction with the balance of landowners contained within Special Rural Zone 1D.

DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

18. The existing vegetated drainage line adjacent to the northern boundary of the lot offers an opportunity to establish a vegetated public open space buffer between potential residential development and the speedway facility. This can be established via the structure planning process and incorporate appropriate water sensitive drainage design measures as a condition at time of subdivision.

Constraints

19. In the Officer report to Council at the meeting of the 20th February 2007, the following comments were made;

“The subject land is segregated from the urban front (1.4km) by large lot holdings used for rural/residential lifestyle purposes. Outline Development Planning needs to be undertaken for the greater area in order to illustrate (infill development; link roads and supporting infrastructure and services) how the property in question can link up with the urban front and amalgamate with the land character surrounding. Considerations for the following may be necessary as part of the planning and development of the area:

- *External boundary fences of development on the side facing the Speedway;*
- *Special building construction and use of quiet house design to achieve acceptable internal noise levels;*
- *Size, location and use of POS;*
- *Lot and road design; and*
- *Cost sharing/contribution for supporting infrastructure (e.g. upgrading of Gladville Road) and services.”*

Land Capability Assessment

20. The Scheme Amendment Request was supported subject to a land capability assessment being completed. There has been no site specific land capability completed however the proponent has included land quality assessment details published in the “Shire of Albany Local Rural Strategy”. In this instance, whereby structure planning is to be undertaken and a detailed site analysis completed as part of that process, the limited land capability analysis as submitted may be sufficient to support rezoning of this land.

Servicing and Infrastructure Requirements

21. Lot 124 Gladville Road is currently serviced by reticulated water, power and telecommunications. Limited details are contained within the Amendment documentation relating to the provision of additional services such as sewer to the site. However, sewer can be made available to the site and more detailed servicing needs and infrastructure requirements will be identified and addressed as part of the structure planning process.

Outline Development Planning

22. The Shire of Albany TPS No 3 at Clause 5.2 requires that an Outline Development Plan (ODP) be approved by Council and the WAPC prior to approval of subdivision of any land within a “development zone”.

23. An ODP has not been submitted as part of the amendment documentation. The documentation acknowledges the need for structure planning to be undertaken in the near future in conjunction with the adjoining landowners of the balance of land contained within Special Rural Zone 1D (Lots 300, 507 and 526 Lancaster Road) to the south.

DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

24. A “Structure Plan” will detail the provision of services such as sewer, public open space, road and pedestrian networks and lot layout in much the same way that an ODP would and would meet the objectives of the requirement of an ODP. The proponent has advised that the structure planning process is to be commenced in August of this year.

25. Subdivision of the land cannot occur until the Scheme requirement at Clause 5.2 are met. That clause acts as a braking mechanism, restricting unplanned and un-coordinated development of this land without appropriate planning considerations.

Referral to the EPA

26. As noted at Statutory Requirements above, an amendment requires referral to the EPA to ascertain if a proposal is environmentally acceptable. As an ODP or Structure Plan has not been submitted with the amendment documentation, no details pertaining to lot layout, variation of lot sizes or possible buffers from the speedway to the north have been included. Therefore, it will be difficult for the EPA to assess the proposal with any certainty as to the acceptability of the proposal in relation to the speedway facility.

27. Considering the above, it is appropriate to support the initiation of the amendment to rezone Lot 12 Gladville Road from the current Special Rural zoning to the Residential Development zone. However, in the interest of expediting the process of assessment by the EPA, an Outline Development Plan or similar would be advantageous prior to the referral of the document to that agency for assessment.

Conclusion

28. Due to the compatibility of the application with the strategic intent for the area, it is recommended that Council initiate the Town Planning Scheme amendment to rezone the site to fully serviced (deep sewered) “Residential Development” zone subject to the submission of an ODP or a Structure Plan to allow for referral to the EPA.

RECOMMENDATION

THAT, Council, in pursuance with Section 75 of the Planning and Development Act resolves to initiate Amendment 267 to Town Planning Scheme No. 3 to rezone Lot 124 Gladville Road from the “Special Rural” zone to the “Residential Development” zone subject to;

- a) An Outline Development Plan or similar Structure Plan being prepared to enable referral to the EPA.

Voting Requirement Simple Majority

.....

DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR WOLFE**

THAT, Council, in pursuance with Section 75 of the Planning and Development Act resolves to initiate Amendment 267 to Town Planning Scheme No. 3 to rezone Lot 124 Gladville Road from the “Special Rural” zone to the “Residential Development” zone subject to;

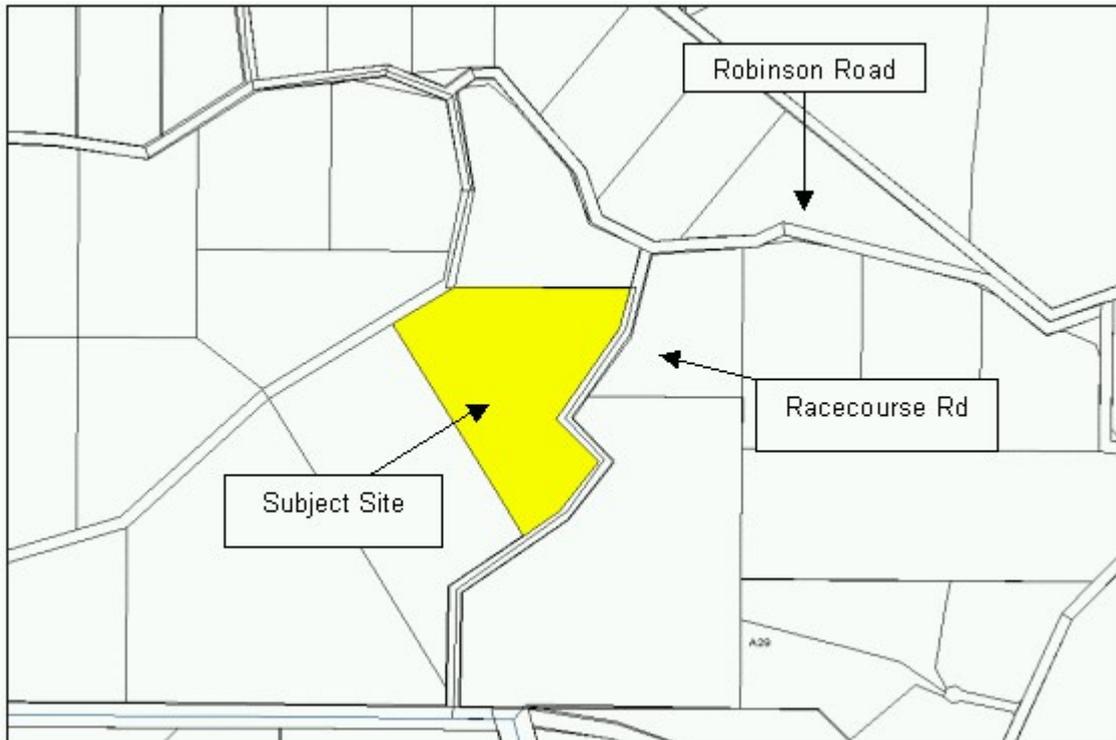
- a) An Outline Development Plan or similar Structure Plan being prepared to enable referral to the EPA.**

CARRIED 12-0

DEVELOPMENT SERVICES REPORTS

11.3.6 Initiate Scheme Amendment - Lot 5 Racecourse Road, Robinson

File/Ward	:	AMD268 (West Ward)
Proposal/Issue	:	Formal request to re-zone Lot 5 Racecourse Road, Robinson from “Rural” to “Special Rural”
Subject Land/Locality	:	Lot 5 Racecourse Road, Robinson
Proponent	:	Harley Survey Group
Owner	:	M Paynter & M Bennet
Reporting Officer(s)	:	Senior Planning Officer (K Hughes) and Gray & Lewis Planning Consultants
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Adopt the amendment for the purpose of initiating public advertising
Bulletin Attachment	:	Amendment document
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.6 continued

BACKGROUND

1. An application has been lodged seeking to re-zone Lot 5 Racecourse Road, Robinson from “Rural” to “Special Rural” under the City of Albany Town Planning Scheme No 3.
2. An existing Special Rural Area No. 29 is located immediately opposite Lot 5 to the north east.
3. The applicant proposes to include Lot 5 in Special Rural Area No 29.

STATUTORY REQUIREMENTS

4. All Scheme amendments undergo a statutory process in accordance with the Planning and Development Act 2005 including referral to the Environmental Protection Authority, 42 day public advertising, and endorsement by the WA Planning Commission and the Minister for Planning and Infrastructure.
5. On completion of advertising, the amendment will be referred back to Council to consider final adoption, with or without modification.
6. Once an amendment is initiated then the final determination is made by the Minister for Planning and Infrastructure.

POLICY IMPLICATIONS

7. There are no Policy Implications relating to this amendment.

FINANCIAL IMPLICATIONS

8. There are no Financial Implications relating to this amendment.

COMMENT/DISCUSSION

Application Details

9. The application proposes as follows;
 - Re-zone Lot 5 Racecourse Road, Robinson from “Rural” to “Special Rural”.
 - Include Lot 5 in the existing “Special Rural Area 29”.

There are existing Scheme provisions controlling landuse and development within Special Rural Area 29 which will apply to Lot 5.

Draft Albany Local Planning Strategy

10. The amendment has been assessed having regard for the requirements of the Draft Albany Local Planning Strategy. The amendment is consistent with the strategy as;
 - The lot has been earmarked for “Rural Residential” development.
 - The applicant has submitted a detailed subdivision guide plan identifying vegetation corridors to be protected, fire breaks etc

DEVELOPMENT SERVICES REPORTS

Item 11.3.6 continued

Subdivision Guide Plan

11. The applicant has lodged a subdivision guide plan for:
- (i) Lot 3 Roberts Road, Robinson;
 - (ii) Lot 4 Racecourse Road, Robinson; and
 - (iii) Lot 5 Racecourse Road, Robinson.

Only Lot 5 is subject of this amendment however the guide plan demonstrates how subdivision can be co-ordinated with surrounding lots.

12. The Scheme provisions for Special Rural Area No 29 require a minimum lot size of 3 hectares and an average of 4 hectares. The subdivision guide plan proposes 8 lots ranging from 3 hectares to 6.93 hectares consistent with that already permissible in the surrounding locality.
13. A copy of the subdivision guide plan is included in the amending documents in the Elected Members Report / Information Bulletin. The guide plan is supported however it is recommended that;
- The amendment text be modified to annex the Guide Plan to Schedule 11 so it forms part of the Scheme.
 - The vegetation on proposed Lot 8 be included in the “dwelling exclusion area” on the subdivision guide plan as it is identified as remnant vegetation in the Albany’s Greenway plan (refer Draft Local Planning Strategy).

Road Reserve

14. The Racecourse Road reserve follows the southern and eastern boundary of Lot 5, however portions of the constructed road encroach within the private property boundary.
15. It would not be desirable to construct new sections of road in the gazetted road reserve due to existing dense vegetation. It is therefore recommended that Council advise the applicant that the portion of Lot 3 containing any constructed road will be required to be ceded free of cost at subdivision stage.

Sand Extraction Area

16. There are two sand extraction areas located on Lot 5 - one in the north-west corner and one in the south-east portion adjacent to Racecourse Road.
17. The applicant earmarked the sand extraction area adjacent to Racecourse Road as a potential building envelope. This is not supported for the following reasons;
- (i) It cannot comply with the 20 metre setback stipulated in the Scheme for Special Rural Area 29.
 - (ii) Portions of it are steep and may be unstable.
 - (iii) The Scheme requires existing extraction areas to be rehabilitated by the subdivider.
 - (iv) If a new owner decides not to build in the extraction area, Council has no mechanism to ensure the area is rehabilitated in the future (no planning approval is required for a single dwelling).
18. This issue has been discussed with the applicant who has agreed that both sand extraction areas should be rehabilitated. The amendment document needs to be modified to reflect this and the sand extraction area near Racecourse Road be included in the “building exclusion” area on the subdivision guide plan.

DEVELOPMENT SERVICES REPORTS

Item 11.3.6 continued

Fire Management Plan

19. The applicant has not submitted a separate Fire Management Plan to accompany the amendment although it is discussed in the amendment document.
20. The report states that the northern portion is more likely to have a high fire rating. For medium to high fire risk areas building structures need to comply with the standards as outlined in AS 3959-1999. The City is responsible for ensuring that new dwellings meet this standard.
21. A number of local governments are requesting notifications to be placed on the new titles at subdivision stage to ensure prospective purchasers are aware of any adopted fire management plan and/or the landowners responsibility to meet the AS standard, maintain building protection zones, firebreaks etc. This matter can be considered by the City at the subdivision stage.

Conclusion

22. The proposed “Special Rural” zoning for Lot 5 is consistent with the existing Special Rural Area 29 zone in the surrounding area and the draft Local Planning Strategy. The existing Scheme provisions for Special Area 29 will apply to Lot 5 and have comprehensive controls for development, setbacks, rehabilitation etc.
23. The proposed amendment is supported subject to the documents being modified as discussed in the body of this report.

DEVELOPMENT SERVICES REPORTS

Item 11.3.6 continued

RECOMMENDATIONS

THAT Council;

1. In pursuance of Section 75 of the Planning and Development Act, resolves to amend the City of Albany's Town Planning Scheme No. 3 by:
 - i) Re-zoning Lot 5 Racecourse Road, Robinson from "Rural" to "Special Rural".
 - ii) Amending "Schedule 1 - Special Rural Zones" to include Lot 5 Racecourse Road, Robinson in Special Rural Area No 29.
 - iii) Annex the subdivision guide plan (applicable to Lot 5 only) to "Schedule 1 - Special Rural Zones" and insert it into the Scheme.
 - iv) Amending the Scheme amendment maps accordingly.

2. Prior to referring the amendment to the Environmental Protection Authority, request the applicant to amend the Scheme Amendment document as follows;
 - i) Delete references to using the sand extraction area near Racecourse Road for a possible building envelope and note that it will be revegetated.
 - ii) Modify the Subdivision Guide Plan to include the sand extraction area near Racecourse Road in the building exclusion area.
 - iii) Modify the text to annex the Subdivision Guide Plan to Schedule 11 as required under Clause 5.6 (b) of the City's Town Planning Scheme.

3. Advise the applicant that;
 - i) The portion of Lot 3 containing any constructed road will be required to be ceded free of cost at subdivision stage.
 - ii) Any buildings on lots within a medium to high fire risk will have to comply with the standards as outlined in AS 3959-1999.
 - iii) The Subdivision Guide Plan will be advertised concurrently with the amendment. Council can only consider the Guide Plan applicable to Lot 5 as adjacent Lots 3 and 4 are still zoned "Rural".

Voting Requirement Simple Majority

.....

Item 11.3.6 continued

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR JAMIESON**

THAT Council;

- 1. In pursuance of Section 75 of the Planning and Development Act, resolves to amend the City of Albany’s Town Planning Scheme No. 3 by:**
 - i) Re-zoning Lot 5 Racecourse Road, Robinson from “Rural” to “Special Rural”.**
 - ii) Amending “Schedule 1 - Special Rural Zones” to include Lot 5 Racecourse Road, Robinson in Special Rural Area No 29.**
 - iii) Annex the subdivision guide plan (applicable to Lot 5 only) to “Schedule 1 - Special Rural Zones” and insert it into the Scheme.**
 - iv) Amending the Scheme amendment maps accordingly.**

- 2. Prior to referring the amendment to the Environmental Protection Authority, request the applicant to amend the Scheme Amendment document as follows;**
 - i) Delete references to using the sand extraction area near Racecourse Road for a possible building envelope and note that it will be revegetated.**
 - ii) Modify the Subdivision Guide Plan to include the sand extraction area near Racecourse Road in the building exclusion area.**
 - iii) Modify the text to annex the Subdivision Guide Plan to Schedule 11 as required under Clause 5.6 (b) of the City’s Town Planning Scheme.**

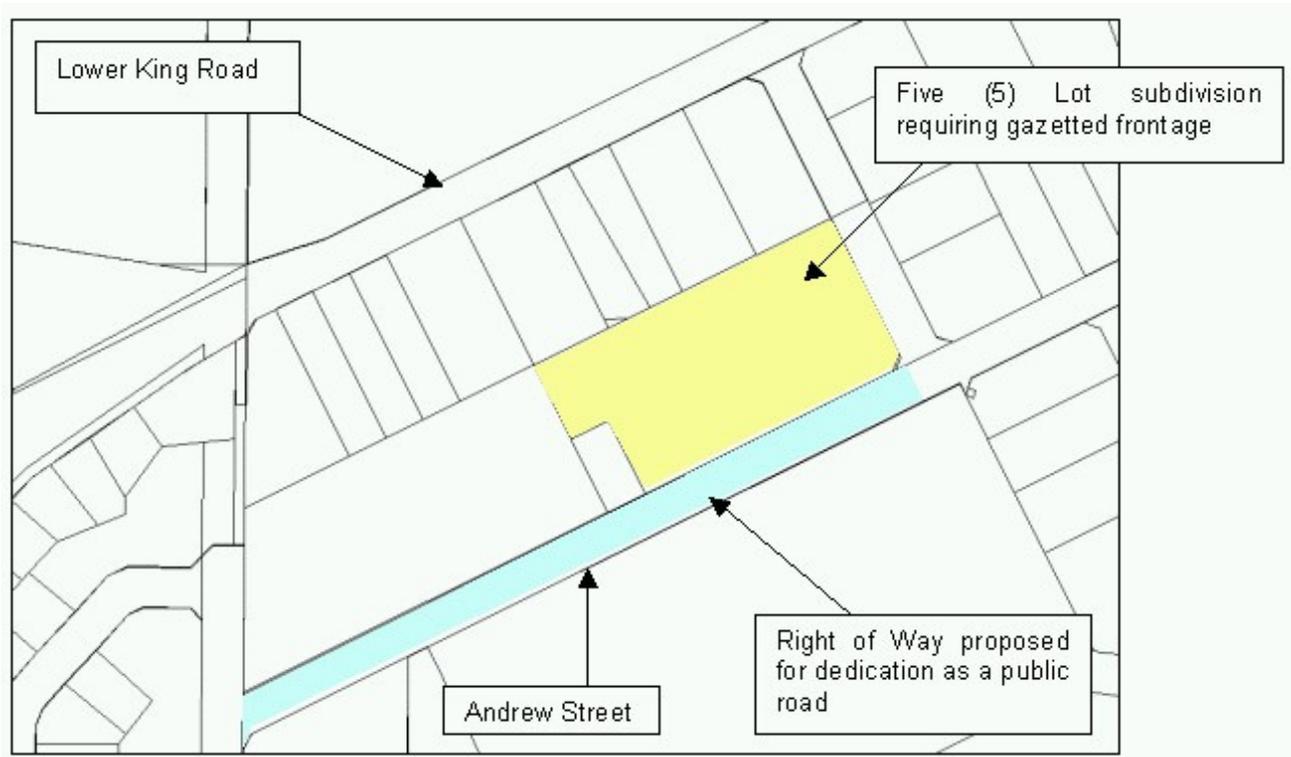
- 3. Advise the applicant that;**
 - i) The portion of Lot 3 containing any constructed road will be required to be ceded free of cost at subdivision stage.**
 - ii) Any buildings on lots within a medium to high fire risk will have to comply with the standards as outlined in AS 3959-1999.**
 - iii) The Subdivision Guide Plan will be advertised concurrently with the amendment. Council can only consider the Guide Plan applicable to Lot 5 as adjacent Lots 3 and 4 are still zoned “Rural”.**

CARRIED 12-0

11.4 RESERVES PLANNING

11.4.1 Road Dedication - Conversion of Right of Way to Public Road - Lower King

File/Ward	:	SER141 (Kalgan Ward)
Proposal/Issue	:	Request to dedicate existing ROW as a public road
Subject Land/Locality	:	Andrew Street, Lower King
Proponent	:	Harley Survey Group
Owner	:	Crown
Reporting Officer(s)	:	Senior Planning Officer (K Hughes)
Disclosure of Interest	:	Nil
Previous Reference	:	N/A
Summary Recommendation	:	Support the request
Bulletin Attachment	:	Nil
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.4.1 continued

BACKGROUND

1. Council has received a request from Harley Survey Group to dedicate an existing right of way (ROW) located on Andrew Street as a public road. The change in the reserve status will formalise vehicular access for five lots that are to be created as part of a new subdivision.
2. The Western Australian Planning Commission granted subdivision approval for the five (5) lot subdivision on 19 March 2007 (reference number 132011 - plan shown attached). The subdivider is required to implement appropriate traffic and signage treatment on Andrew Street as a condition of the WAPC approval.
3. The proponent has advised that prior to creating titles for the lots fronting Andrew Street, the dedication of Andrew Street as a public road is necessary to allow road frontage for the new lots. Council owns the land to the south of Andrew Street in freehold title.

STATUTORY REQUIREMENTS

4. Under Section 56 of the Land Administration Act 1997, a resolution of Council supporting the dedication is required prior to the land being dedicated as a public road.

POLICY IMPLICATIONS

5. There are no policy implications relating to this item.

FINANCIAL IMPLICATIONS

6. There are no financial implications relating to this item.

STRATEGIC IMPLICATIONS

7. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision:

A Thriving City...Albany’s community will enjoy economic growth and outstanding opportunities for our youth through....

- *Excellent community infrastructure and services.*

Mission Statement:

The City of Albany is committed to...

- *Sustainably managing Albany’s municipal assets.*

Priority Projects:

Nil.”

DEVELOPMENT SERVICES REPORTS

Item 11.4.1 continued

COMMENT/DISCUSSION

8. The ROW is currently owned by the State Government but vested in the City of Albany for a public purpose use, which requires the City of Albany to manage this portion of land. The dedication of the ROW to a public road has a negligible impact in respect to the role required of the City of Albany. Andrew Street is constructed and has been used by the public for a number of years.

RECOMMENDATION

THAT Council resolves to:

- i) support the dedication of the existing Right of Way as a “Public Road” pursuant to Section 56 of the Land Administration Act 1997; and
- ii) advise the proponent and the Department of Planning & Infrastructure of Council’s resolution.

Voting Requirement Simple Majority

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR WALKER**

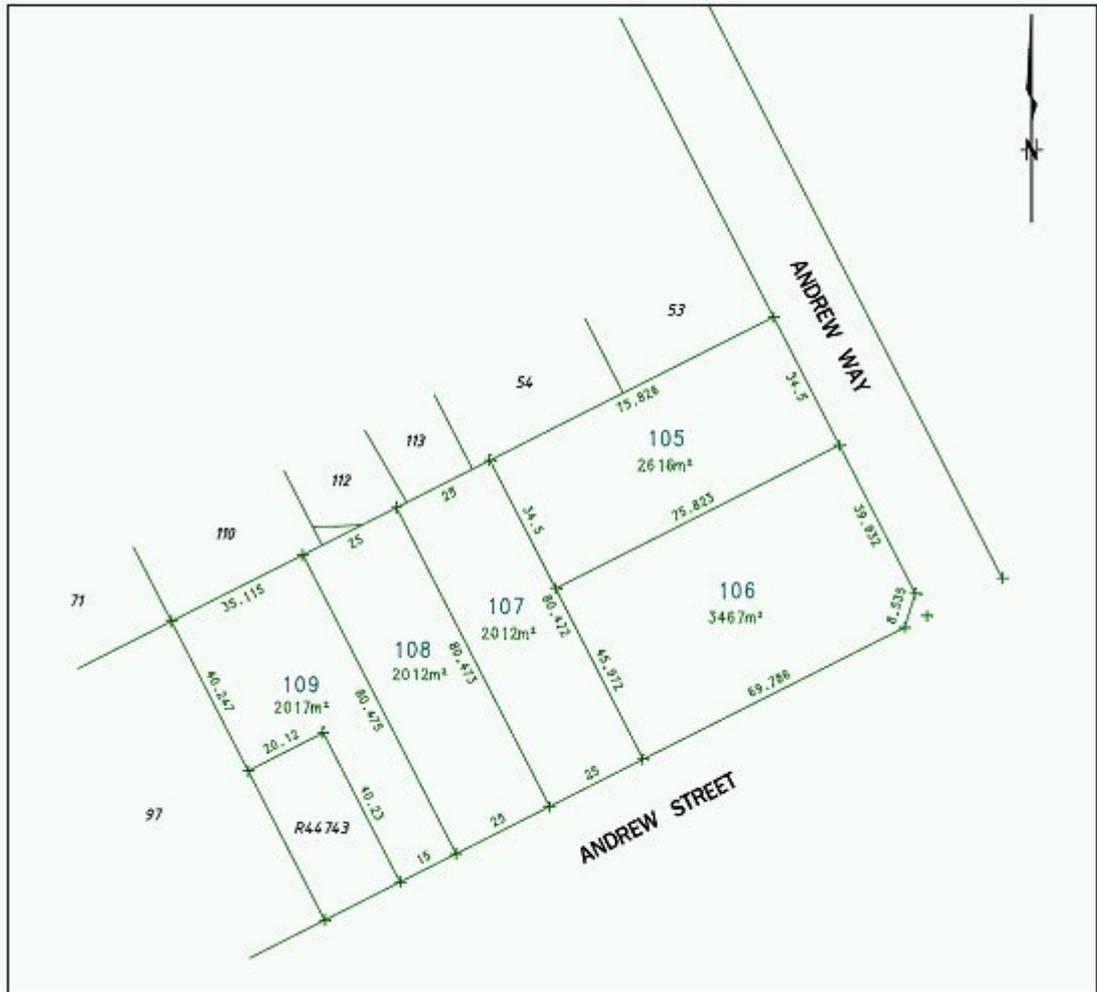
THAT Council resolves to:

- i) support the dedication of the existing Right of Way as a “Public Road” pursuant to Section 56 of the Land Administration Act 1997; and**
- ii) advise the proponent and the Department of Planning & Infrastructure of Council’s resolution.**

CARRIED 12-0

ORDINARY COUNCIL MEETING MINUTES – 21/08/07
** REFER DISCLAIMER **
DEVELOPMENT SERVICES REPORTS

Item 11.4.1 continued

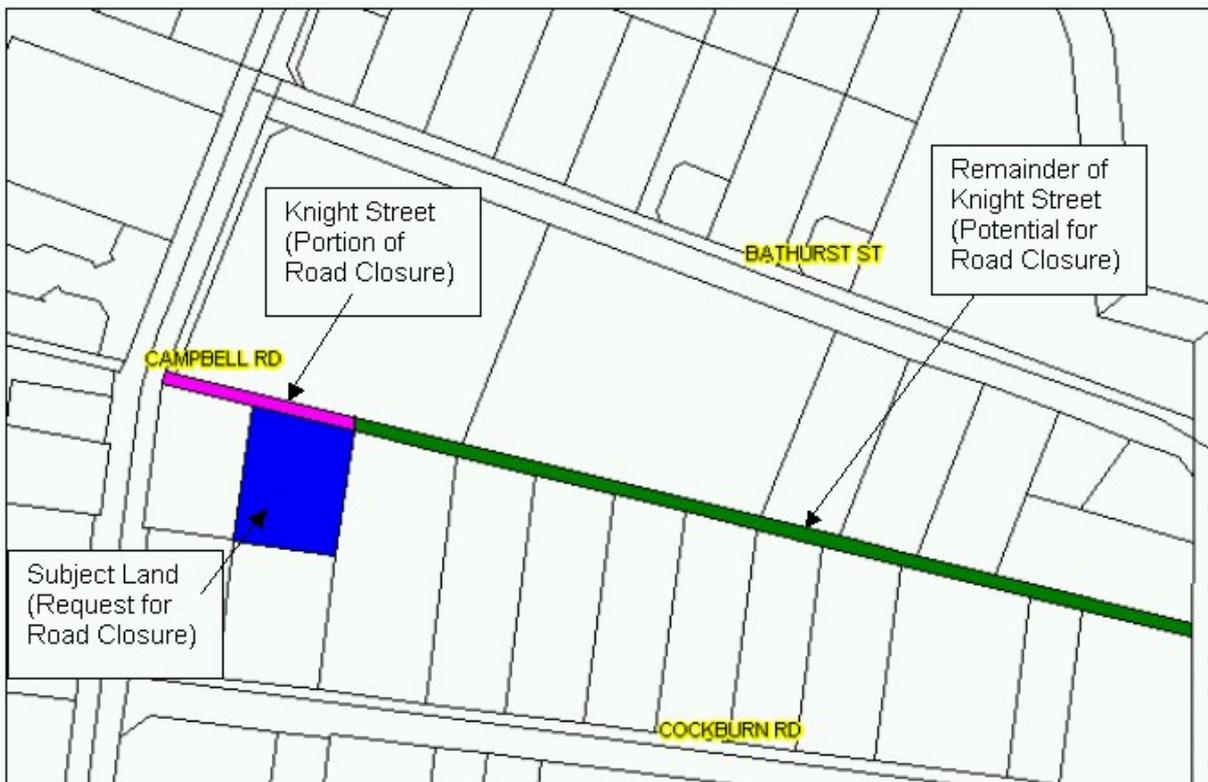


DEVELOPMENT SERVICES REPORTS

Item 11.4.2 was withdrawn from the agenda.

11.4.2 Closure of Road - Knight Street, Mira Mar

File/Ward	:	A138841 (Frederickstown Ward)
Proposal/Issue	:	Closure of Knight Street and Incorporation of the Road into Residential Lot
Subject Land/Locality	:	Lot 101 (29) Knight Street, Mira Mar
Proponent	:	D Stephenson
Owner	:	D & C Stephenson
Reporting Officer(s)	:	Manager Planning & Ranger Services (G Bride) Planning Assistant (D Delury)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 15/05/07 - Item 11.4.2
Summary Recommendation	:	That Council resolve to decline the request to close that part of Knight Street adjacent to Lot 101 and west to Campbell Road
Bulletin Attachment	:	Submissions from adjoining landowners and service agencies
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.4.2 continued

BACKGROUND

1. At its meeting dated 15 May 2007 Council resolved:

“1. *THAT Council, in accordance with Section 58 of the Land Administration Act 1997, advertise its intention to permanently close a portion of Knight Street, Mira Mar as per the plan included at the front of this report, with the closed portion of Knight Street to be amalgamated into Lot 101 Knight Street;*

AND

2. *THAT Council seek comment from adjoining landowners on the closure of Knight Street, between Campbell Road and Bluff Street, with the closed road being amalgamated into the adjoining lots on the southern side of the closed road.”*

2. The neighbouring property owners and service agencies (Water Corporation, Telstra, Western Power, Alinta and Department of Planning & Infrastructure) were invited to lodge submissions on the road closure. The proposal was also advertised for 35 days. Nine (9) submissions have been received and they are summarised in the schedule attached to this report item. Copies of the submissions are included in the Elected Member’s Report / Information Bulletin.

STATUTORY REQUIREMENTS

3. Section 58 of the *Land Administration Act 1997* requires that the local Authority must resolve to close a road reserve only after it has been subjected to a 35 day public advertising process and Council has considered any submissions received during that period.

4. As the advertising period has now concluded, Council needs to resolve whether to close a portion or all of the road reserve or to leave the road reserve in place.

POLICY IMPLICATIONS

5. There are no Policy Implications relating to this item.

FINANCIAL IMPLICATIONS

6. There are no Financial Implications relating to this item. Should the road closure proceed, and there is sufficient interest from adjacent landowners to purchase the land, the Department of Planning & Infrastructure would negotiate the sale price on the basis of land value as determined by the Valuer General’s Office. Council would not receive any financial reward as part of the process.

DEVELOPMENT SERVICES REPORTS

Item 11.4.2 continued

STRATEGIC IMPLICATIONS

7. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision:

A Thriving City: Albany’s community will enjoy economic growth and outstanding opportunities for our youth though...

- *Excellent community infrastructure and services; and*
- *Innovative development complementing Albany’s unique character, natural environment and heritage.*

Mission Statement:

The City of Albany is committed to...

- *Providing sound governance; and*
- *Promoting our Community’s vision for the future.*

Priority Projects:

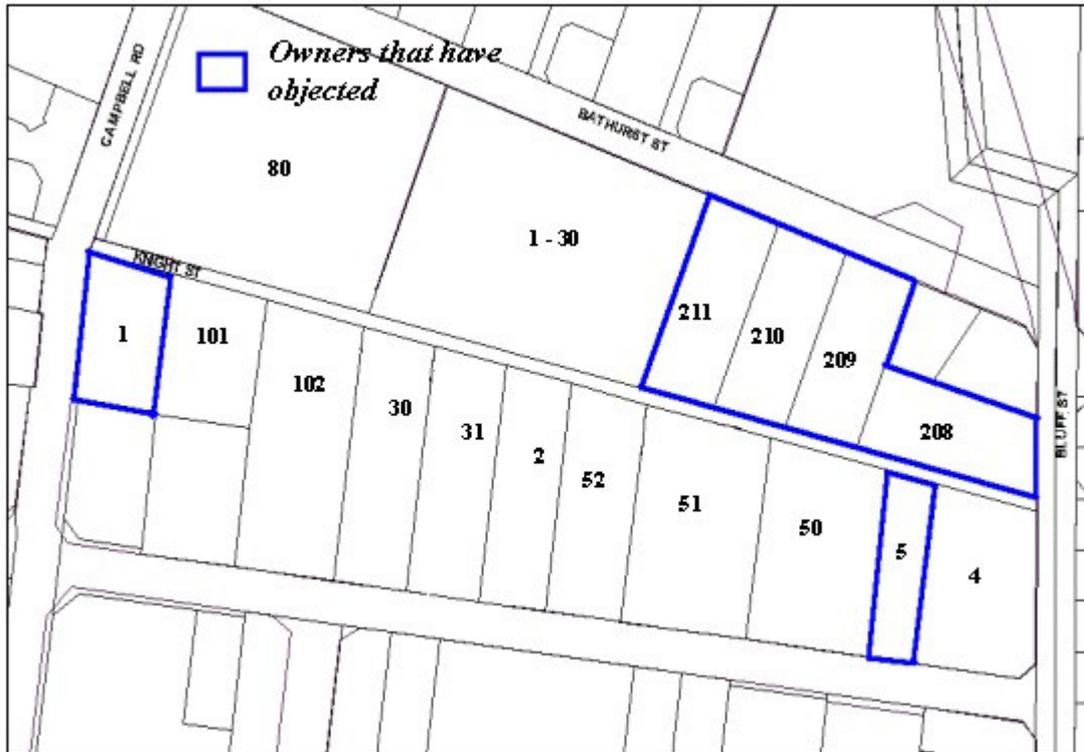
Nil.”

COMMENT/DISCUSSION

8. The original request received from the owner of Lot 101 Knight Street was to close a small portion of Knight Street (76 metres) and incorporate the land into their title. On advertising the closure of this portion of Knight Street, Council also gauged the community’s view on closing the balance of Knight Street between Campbell Road and Bluff Street.
9. Lot 101 currently uses this portion of Knight Street to gain vehicular access to their property as they do not have frontage to any other public road.
10. Of the nine submissions received, five were from government agencies with no objection, two were from adjoining landowners who objected, and two from adjoining landowners who either supported the closure or had no objection. Two written submissions objecting to the road closure were received, with one letter being signed by five residents who adjoin the road reserve. The plan below shows which property owners that are against the proposed closure. The owners of Lot 101, 102, 30, 31, 2, 52, 1-30 and 51 have raised no objections, with the balance of landowners not responding.

DEVELOPMENT SERVICES REPORTS

Item 11.4.2 continued



11. The main concerns expressed in the objection letters involved:

- Knight Street has the potential to provide access to future subdivided lots.
- Knight Street is currently utilised for rear access purposes.
- Knight Street has the potential to provide an important drainage function.
- The land should not be offered to one landowner on the south side of Knight Street.

12. In response to the concerns raised staff provide the following comments:

- Knight Street is a 5 metre wide road and is not of sufficient width to accommodate two-way vehicular access under Council and DPI requirements. The standard width for a cul-de-sac road is 14 metres, which allows for road pavement, lighting and the laying of services. In order to accommodate a road for subdivision purposes, Knight Street would need to be widened by 4.5 metres on each side, and a significant amount of land would need to be given up for a cul-de-sac head. There are dwellings and sheds on private land that would have to be relocated to accommodate the road widening; and this would not be practical.
- Knight Street is currently not constructed and is covered with grass and infested with weeds. Given the width of the road, which is more akin to a pedestrian access way, Council has no plans to upgrade the road to a bitumen standard or install a dual use pedestrian path. The more probable function of the road would be to act as a drainage reserve into the future as adjacent land develops and drainage outlets are needed.

DEVELOPMENT SERVICES REPORTS

Item 11.4.2 continued

- Council's Works and Services section has advised that the Knight Street road reserve is likely to be needed for drainage purposes into the future. Until a detailed drainage catchment plan is undertaken over the Mira Mar area, incorporating future development potential (which would increase stormwater run-off) it is not known what drainage infrastructure would be needed in Knight Street. There is already a drainage easement between Lots 2 and 31 Cockburn Road, which feeds into the Knight Street road reserve.
 - Should Council recommend the closure of the road, the DPI's road closure process requires that each owner opposite the closed road will be able to purchase a 50% stake in the road. If a landowner does not wish to exercise that option, the other landowner must be willing to purchase 100% of that portion to ensure the land is fully acquitted into private property.
13. The owner of Lot 1 Campbell Road has also objected to the closure of that portion of Knight Street adjacent to Lot 101, as he intends to utilise Knight Street for secondary access as part of future development plans.
14. In considering a resolution to the Knight Street road closure, staff have identified three options for Council's consideration:

Option A

Leave the entire portion of the Knight Street road reserve open until further drainage information is gathered to determine the drainage requirements of the locality and whether the road reserve is needed for drainage purposes.

Option B

Close that portion of Knight Street as requested by the owner of Lot 101, but leave the remaining portion of Knight Street open.

This option would involve the closure of a 76 metre long portion of Knight Street that would allow the owner of Lot 101 to utilise the land as a private driveway gaining access from Campbell Road. The owner of Lot 1 has expressed concern that conversion of this land from the public to the private realm will limit development potential on his property. In the event that the owner of Lot 1 seeks 50% of the portion of Knight Street adjacent to his property, only a 2.5 metre wide access leg would be available to the owner of Lot 101, which is an insufficient width to accommodate a vehicle.

There could be the potential for the owner of Lot 1 to gain a reciprocal rights of access agreement over the battle-axe leg to maintain current access rights, however this would involve the agreement of both landowners, and is a matter that should be pursued by the proponent.

This option would also involve the requirement to place easements in favour of the Water Corporation and Telstra so that they can access their infrastructure when and if required.

The closure of this portion of Knight Street is not likely to impact on drainage infrastructure entering the adjacent park (inclusive of stormwater basin) from the balance of Knight Street.

DEVELOPMENT SERVICES REPORTS

Item 11.4.2 continued

Option C

This option would involve closing all of Knight Street between Campbell Road and Bluff Street. Given the level of objection to closing the road near the Bluff Street intersection and the potential for the land to be used for drainage infrastructure, this option is the least favoured by Staff.

15. Due to the reasons identified above, staff recommend that Option A be supported, leaving the Knight Street road reserve open.

RECOMMENDATION

THAT Council resolves not to close any portion of the Knight Street Road Reserve between Bluff Street and Campbell Road and advises the proponent and those who lodged submissions of that position.

Voting Requirement Simple Majority

.....

Item 11.4.2 was withdrawn from the agenda.

DEVELOPMENT SERVICES REPORTS

11.5 DEVELOPMENT SERVICE COMMITTEES

11.5.1 Bush Fire Management Committee Meeting Minutes - 24 April 2007 and 30 July 2007

- File/Ward** : MAN089 (All Wards)
- Proposal/Issue** : Committee items for Council consideration
- Reporting Officer(s)** : Emergency Management Coordinator
(S Gray)
- Summary Recommendation** : That the minutes of the Bush Fire Management Committee held on 24 April 2007 and 30 July 2007 be received and recommendations adopted

RECOMMENDATIONS

1. THAT the minutes of the Bush Fire Management Committee held on 24 April 2007 and 30 July 2007 be received (copy in the Elected Members Report / Information Bulletin).

Voting Requirement Simple Majority

.....

2. THAT Council appoint the office bearers elected at the Bush Fire Advisory Committee meeting as per the attached list.

Chief Bush Fire Control Officer	Charlie Butcher
Deputy Chief Bush Fire Control Officer (North East)	Chris Gilmour
Deputy Chief Bush Fire Control Officer (South West)	Ken Johnson
Senior Fire Control Officer (South West)	Kevin Martin
Senior Fire Control Officer (North East)	Alan Lubke
Fire Weather Recording Officers	C Norton
	B Lester
	J Hood
	J Whitem
	C Gilmour
	P Moir
	A Marshall
	J Bocian
	K Martin
	R Davey
M Sounness	
I Smith	

Voting Requirement Absolute Majority

.....

DEVELOPMENT SERVICES REPORTS

Item 11.5.1 continued

3. THAT Council appoint City of Albany Bush Fire Control Officers for the 2007/2008 fire season as follows:

Chief Bush Fire Control Officer/Chief Fire Weather Officer/Clover Burning Officer	Charlie Butcher
Deputy Chief Bush Fire Control Officer (North East)/Deputy Fire Weather Officer/ Clover Burning Officer	Chris Gilmour
Deputy Chief Bush Fire Control Officer (South West)/ Deputy Fire Weather Officer/ Clover Burning Officer	Ken Johnson
Senior Fire Control Officer (South West)/ Deputy Fire Weather Officer/ Clover Burning Officer	Kevin Martin
Senior Fire Control Officer (North East)/ Deputy Fire Weather Officer/ Clover Burning Officer	Alan Lubke

BRIGADE	FCO	DFCO
BORNHOLM	Paul Wolfe	Gerry Gregson
ELLEKER	Dale Ferguson	Karen Wellstead
GNOWELLEN	Morgan Souness	Darren Baum
GREENRANGE	Ian Smith	Ken Tagliaferri
HIGHWAY	Martin Vandongen	Chris Norton
KALGAN	John Bocian	John Powis
KING RIVER	Brian Davis	Alan Hawley
KOJANEERUP	Terry Bradshaw	Tony Slattery
MANYPEAKS	Alan Lubke	Alan Marsh
NAPIER	Tom Collins	Brett Smoker
REDMOND	Graham Briggs	Lance Flett
SOUTH COAST	Derek Jones	Darren Prior
SOUTH STIRLINGS	Graeme Pyle	Steve Fullarton
TORBAY	Andrew Marshall	Phillip Marshall
WELLSTEAD	Rob Fenwick	Richard Chadwick
YOUNGS SIDING	Kevin Martin	
CITY OF ALBANY	Robert Fenn	
	Graeme Bride	
	Steve Gray	
	Garry Turner	
	Phil Dunkley	
	Gerry Monkhurst	
	Deborah Walker	

Voting Requirement Simple Majority

.....

DEVELOPMENT SERVICES REPORTS

Item 11.5.1 continued

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR JAMIESON**

1. **THAT the minutes of the Bush Fire Management Committee held on 24 April 2007 and 30 July 2007 be received (copy in the Elected Members Report / Information Bulletin).**

CARRIED 12-0

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR JAMIESON**

2. **THAT Council appoint the office bearers elected at the Bush Fire Advisory Committee meeting as per the attached list.**

Chief Bush Fire Control Officer	Charlie Butcher
Deputy Chief Bush Fire Control Officer (North East)	Chris Gilmour
Deputy Chief Bush Fire Control Officer (South West)	Ken Johnson
Senior Fire Control Officer (South West)	Kevin Martin
Senior Fire Control Officer (North East)	Alan Lubke
Fire Weather Recording Officers	C Norton
	B Lester
	J Hood
	J Whitem
	C Gilmour
	P Moir
	A Marshall
	J Bocian
	K Martin
	R Davey
M Sounness	
I Smith	

**CARRIED 12-0
ABSOLUTE MAJORITY**

DEVELOPMENT SERVICES REPORTS

Item 11.5.1 continued

**MOVED COUNCILLOR MARSHALL
SECONDED COUNCILLOR WOLFE**

3. THAT Council appoint City of Albany Bush Fire Control Officers for the 2007/2008 fire season as follows:

Chief Bush Fire Control Officer/Chief Fire Weather Officer/Clover Burning Officer	Charlie Butcher
Deputy Chief Bush Fire Control Officer (North East)/Deputy Fire Weather Officer/ Clover Burning Officer	Chris Gilmour
Deputy Chief Bush Fire Control Officer (South West)/ Deputy Fire Weather Officer/ Clover Burning Officer	Ken Johnson
Senior Fire Control Officer (South West)/ Deputy Fire Weather Officer/ Clover Burning Officer	Kevin Martin
Senior Fire Control Officer (North East)/ Deputy Fire Weather Officer/ Clover Burning Officer	Alan Lubke

BRIGADE	FCO	DFCO
BORNHOLM	Paul Wolfe	Gerry Gregson
ELLEKER	Dale Ferguson	Karen Wellstead
GNOWELLEN	Morgan Souness	Darren Baum
GREENRANGE	Ian Smith	Ken Tagliaferri
HIGHWAY	Martin Vandongen	Chris Norton
KALGAN	John Bocian	John Powis
KING RIVER	Brian Davis	Alan Hawley
KOJANEERUP	Terry Bradshaw	Tony Slattery
MANYPEAKS	Alan Lubke	Alan Marsh
NAPIER	Tom Collins	Brett Smoker
REDMOND	Graham Briggs	Lance Flett
SOUTH COAST	Derek Jones	Darren Prior
SOUTH STIRLINGS	Graeme Pyle	Steve Fullarton
TORBAY	Andrew Marshall	Phillip Marshall
WELLSTEAD	Rob Fenwick	Richard Chadwick
YOUNGS SIDING	Kevin Martin	
CITY OF ALBANY	Robert Fenn	
	Graeme Bride	
	Steve Gray	
	Garry Turner	
	Phil Dunkley	
	Gerry Monkhorst	
	Deborah Walker	

CARRIED 12-0

Corporate & Community Services

REPORTS

- R E P O R T S -

12.1 FINANCE

12.1.1 List of Accounts for Payment

File/Ward	:	FIN040 (All Wards)
Proposal/Issue	:	N/A
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager Finance (S Goodman)
Disclosure of Interest	:	Nil.
Previous Reference	:	N/A
Summary Recommendation	:	Council adopt the list of accounts for payment.
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

COMMENTS / DISCUSSION

- The list of account for payment for the City of Albany is included within the Elected Members Report & Information Bulletin and contains the following:-

Municipal Fund			
Cheques	Totalling		\$406,058.47
Electronic Fund transfer	Totalling		\$5,722,009.65
Credit Cards	Totalling		\$13,779.72
Payroll	totalling		\$927,492.00
Total			<u>\$7,069,339.84</u>

- As at 6th August 2007 the total outstanding creditors, stands at \$735,235.16.
- Cancelled Cheques – 23297, 23325, 23328, 23346 and 23369.

RECOMMENDATION

THAT the following City of Albany accounts be passed for payment:-

Municipal Fund	Totalling	<u>\$7,069,339.84</u>
----------------	-----------	------------------------------

Voting Requirement Simple Majority

.....

ORDINARY COUNCIL MEETING MINUTES – 21/08/07
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.1 continued

**MOVED COUNCILLOR LIONETTI
SECONDED COUNCILLOR BOJCUN**

THAT the following City of Albany accounts be passed for payment:-

Municipal Fund	Totalling	<u>\$7,069,339.84</u>
-----------------------	------------------	------------------------------

CARRIED 12-0

CORPORATE & COMMUNITY SERVICES REPORTS**12.1.2 Financial Activity Statement – Month Ending 31 July 2007**

File/Ward	:	FIN040 (All Wards)
Proposal/Issue	:	N/A
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Senior Accounting Officer (M Brenton)
Disclosure of Interest	:	Nil
Previous Reference	:	N/A
Summary Recommendation	:	Note Financial Activity Statement
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

COMMENT/DISCUSSION

1. The Financial Activity Statement was introduced by the Department of Local Government from 1st July 2005. The change was implemented to provide elected members with a better idea of operating and capital revenues and expenditure. It was also intended to link operating results with balance sheet items and reconcile with the end of month cash balances.

STATUTORY REQUIREMENTS

2. Section 6.4 of the Local Government Act 1995 requires that financial reports be prepared and presented in the manner and form prescribed in the regulations. Regulation 34 has been amended to require that Councils report on the sources and applications of funds on a monthly basis, and that the report be noted by Council.

POLICY IMPLICATIONS

3. There are no policy implications relating to this item.

FINANCIAL IMPLICATIONS

4. There are no financial implications. The Financial Activity Statement is a report only.

STRATEGIC IMPLICATIONS

5. There are no strategic implications relating to this item.

Item 12.1.2 continued

COMMENT/DISCUSSION

6. The Financial Activity Report and report on major variances follow.

RECOMMENDATION

THAT Council note the attached Financial Activity Statement for the month ending 31 July 2007.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR JAMIESON**

THAT Council note the attached Financial Activity Statement for the month ending 31 July 2007.

CARRIED 12-0

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued

FINANCIAL ACTIVITY STATEMENT – JULY 07

	Actual Year to Date 31-Jul-07	Current Budget Year to Date 31-Jul-07	Budget Variance
OPERATING INCOME			
Rates	(47.94)	0	(48)
Grants & Subsidies	(86,686.23)	17,429	(104,115)
Contributions. Reimb & Donations	58,310.96	55,364	2,947
Fees & Charges	327,825.41	346,985	(19,160)
Interest Earned	1,532.70	29,337	(27,804)
Other Revenue / Income	(36,873.92)	29,569	(66,443)
Net Controlled Trust Revenue	0.00	(44,066)	
	264,060.98	434,618	(214,623)
OPERATING EXPENDITURE (excl depreciation)			
Employee Costs	(1,261,042.42)	(1,167,419)	(93,623)
Utilities	(50,166.40)	(48,413)	(1,753)
Interest Expenses	46,120.71	(15,810)	61,931
Contracts & materials	(316,379.16)	(319,192)	2,813
Insurance expenses	(292,735.81)	(283,707)	(9,029)
Other Expenses	20,701.94	20,414	288
	(1,853,501.14)	(1,814,127)	(39,374)
CAPITAL INCOME			
Grants & Subsidies	428,986.00	430,000	(1,014)
Contributions. Reimb & Donations, Other	(280.84)	0	(281)
Proceeds from sale of assets	50,000.00	50,000	-
	478,705.16	480,000	(1,295)
CAPITAL EXPENDITURE			
Asset Masterplans	(54,333.61)	(54,955)	621
ALAC Redevelopment	(1,120,243.11)	(1,120,000)	(243)
Plant Replacement	(291,495.00)	(290,000)	(1,495)
Developers Subdivisions	0.00	0	-
Other Capital	(60,156.31)	(60,416)	260
	(1,526,228.03)	(1,525,371)	(857)
CASH FLOWS FROM FINANCING ACTIVITIES			
Loan Principal Repayment	(11,562.58)	(11,761)	198
Proceeds from Self Supporting Loans	0.00	0	-
Proceeds from new loans	0.00	0	-
	(11,562.58)	(11,761)	198
OTHER BALANCE SHEET ITEMS			
Change in stock position	54,248.57		
Change in Debtors	27,532.91		
Change in Creditors	(1,596,119.73)		
	(1,514,338.25)		
NET CASH FLOW	(4,162,863.86)		
Opening Cash balance	17,672,401.39		
NET CASH AT BALANCE DATE	13,509,537.53		

Cash Summary

Municipal Account	(2,326,971.15)
Reserve Account	13,453,765.34
Trust Account	2,382,743.34
Total Bank / Investments	13,509,537.53

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued

EXPLANATION OF VARIANCES ON FINANCIAL ACTIVITY STATEMENT – JULY YTD 2007

Operating Income

Grants & Subsidies

06/07 Accrual reversal: Receipt forthcoming
Lotteries Commission Grant for Skate Park (\$100,000)

Interest Earned

06/07 Accrual reversal:
Bendigo Term Deposit Due in August (\$25,158)

Other Revenue/Income

06/07 Accrual reversals:
Liquid Waste Joint Venture (\$40,132)
FESA Contribution to Community Calender (\$26,000)

Operating Expenditure

Interest Expense:

05/06 Accrual reversals: -Timing only
City of Albany loans (\$62,501)

CORPORATE & COMMUNITY SERVICES REPORTS**12.2 ADMINISTRATION**

Councillors Lionetti, Waterman and Wellington each declared a financial interest in Item 12.2.1 and left the meeting at 8.54pm. The nature of each member's interest is that they are retailers.

In the absence of the Deputy Mayor as Presiding Member, the Executive Director Corporate and Community Services called for nominations for Presiding Member.

Councillor Wolfe nominated Councillor Walker. In the absence of further nominations, Councillor Walker was elected as Presiding Member for the duration of Item 12.2.1 and assumed the Chair.

12.2.1 Extended Trading Hours Within The City Of Albany

File/Ward	: LEG005 (All Wards)
Proposal/Issue	: Extended Trading Hours for the Christmas shopping period
Subject Land/Locality	: City of Albany Municipality
Proponent	: City of Albany
Owner	: City of Albany
Reporting Officer(s)	: Customer Service Manager (B Parker)
Disclosure of Interest	: Nil
Previous Reference	: OCM 19/09/06 – Item 12.2.1
Summary Recommendation	: THAT Council extends the retail trading hours for the 2007 Christmas shopping period in line with the Perth metropolitan area.
Bulletin Attachment	: Letter DOCEP
Locality Plan	: Nil

BACKGROUND

1. On 18 July 2007, the Hon Sheila McHale MLA, Minister for Consumer Protection, announced a package of retail trading extensions for the Perth metropolitan area for the 2007/2008 Christmas and New Year period.
2. In accordance with established policy, the Christmas trading package is made available to regional localities without the need for further action by Local Government Authorities.

STATUTORY REQUIREMENTS

3. Under the Retail Trading Hours Act 1987, Section 15 empowers the Minister to vary trading hours.

POLICY IMPLICATIONS

4. There are no policy implications relating to this item.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.1 continued

FINANCIAL IMPLICATIONS

5. There are no financial implications relating to this item.

STRATEGIC IMPLICATIONS

6. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision:

A Thriving City – Albany’s community will enjoy economic growth and outstanding opportunities for our youth through...Being the regional retailing and services hub.

Mission Statement:

Nil

Priority Projects:

Nil”

COMMENT/DISCUSSION

7. The Minister for Consumer and Employment Protection has approved the following times for the Perth metropolitan area:

Sunday 9 December 2007	10.00am to 5.00pm
Monday 10 December 2007	Normal trading
Tuesday 11 December 2007	Normal trading
Wednesday 12 December 2007	Normal trading
Thursday 13 December 2007	Normal trading
Friday 14 December 2007	Normal trading
Saturday 15 December 2007	Normal trading
Sunday 16 December 2007	10.00am to 5.00pm
Monday 17 December 2007	Normal trading
Tuesday 18 December 2007	Normal trading
Wednesday 19 December 2007	8.00am to 9.00pm
Thursday 20 December 2007	8.00am to 9.00pm
Friday 21 December 2007	8.00am to 9.00pm
Saturday 22 December 2007	Normal trading
Sunday 23 December 2007	10.00am to 5.00pm
Monday 24 December 2007	Normal trading
Tuesday 25 December 2007 (Christmas Day)	Christmas Day - Closed
Wednesday 26 December 2007 (Boxing Day)	Boxing Day - Closed
Thursday 27 December 2007	8.00am to 9.00pm
Friday 28 December 2007	Normal trading
Saturday 29 December 2007	Normal trading
Sunday 30 December 2007	Normal trading
Monday 31 December 2007	Normal trading
Tuesday 1 January 2008	New Year's Day - Closed

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.1 continued

8. The Minister can extend varied Metropolitan hours to the Municipality of Albany upon approval.
9. If no variation or exemption is sought by the City of Albany, then the Metropolitan hours will be applied.
10. This proposal would affect all retailers within the Municipality of Albany, however it will not be compulsory to trade on these days.
11. Additionally, on 8 August 2007, the City of Albany received a request from the Albany Chamber of Commerce and Industry to extend retail trading hours in Albany on 25 November 2007 in anticipation of 2,500 passengers disembarking the cruise ship, Sun Princess.

RECOMMENDATION

THAT Council:

- i) Extends the retail trading hours for the 2007/08 Christmas and New Year shopping periods in line with Perth metropolitan area as follows:

Sunday 9 December 2007	10.00am to 5.00pm
Monday 10 December 2007	Normal trading
Tuesday 11 December 2007	Normal trading
Wednesday 12 December 2007	Normal trading
Thursday 13 December 2007	Normal trading
Friday 14 December 2007	Normal trading
Saturday 15 December 2007	Normal trading
Sunday 16 December 2007	10.00am to 5.00pm
Monday 17 December 2007	Normal trading
Tuesday 18 December 2007	Normal trading
Wednesday 19 December 2007	8.00am to 9.00pm
Thursday 20 December 2007	8.00am to 9.00pm
Friday 21 December 2007	8.00am to 9.00pm
Saturday 22 December 2007	Normal trading
Sunday 23 December 2007	10.00am to 5.00pm
Monday 24 December 2007	Normal trading
Tuesday 25 December 2007 (Christmas Day)	Christmas Day - Closed
Wednesday 26 December 2007 (Boxing Day)	Boxing Day - Closed
Thursday 27 December 2007	8.00am to 9.00pm
Friday 28 December 2007	Normal trading
Saturday 29 December 2007	Normal trading
Sunday 30 December 2007	Normal trading
Monday 31 December 2007	Normal trading
Tuesday 1 January 2008	New Year's Day - Closed

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.1 continued

- ii) Apply to the Minister for Consumer Protection to extend the retail trading hours for General Retail Shops in Albany on Sunday 25th November 2007 in anticipation of 2,500 passengers disembarking the cruise ship, Sun Princess.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR MARSHALL**

THAT Council:

- i) **Extends the retail trading hours for the 2007/08 Christmas and New Year shopping periods in line with Perth metropolitan area as follows:**

Sunday 9 December 2007	10.00am to 5.00pm
Monday 10 December 2007	Normal trading
Tuesday 11 December 2007	Normal trading
Wednesday 12 December 2007	Normal trading
Thursday 13 December 2007	Normal trading
Friday 14 December 2007	Normal trading
Saturday 15 December 2007	Normal trading
Sunday 16 December 2007	10.00am to 5.00pm
Monday 17 December 2007	Normal trading
Tuesday 18 December 2007	Normal trading
Wednesday 19 December 2007	8.00am to 9.00pm
Thursday 20 December 2007	8.00am to 9.00pm
Friday 21 December 2007	8.00am to 9.00pm
Saturday 22 December 2007	Normal trading
Sunday 23 December 2007	10.00am to 5.00pm
Monday 24 December 2007	Normal trading
Tuesday 25 December 2007 (Christmas Day)	Christmas Day - Closed
Wednesday 26 December 2007 (Boxing Day)	Boxing Day - Closed
Thursday 27 December 2007	8.00am to 9.00pm
Friday 28 December 2007	Normal trading
Saturday 29 December 2007	Normal trading
Sunday 30 December 2007	Normal trading
Monday 31 December 2007	Normal trading
Tuesday 1 January 2008	New Year's Day - Closed

- ii) **Apply to the Minister for Consumer Protection to extend the retail trading hours for General Retail Shops in Albany on Sunday 25th November 2007 in anticipation of 2,500 passengers disembarking the cruise ship, Sun Princess.**

CARRIED 9-0

CORPORATE & COMMUNITY SERVICES REPORTS

Councillors Lionetti, Waterman and Wellington returned to the meeting at 8.57pm following consideration of Item 12.2.1.

The Deputy Mayor resumed as Presiding Member.

12.2.2 Service Complaint Policy And Procedure

File/Ward	: MAN180 (All Wards)
Proposal/Issue	: Service Complaints Policy and Procedure
Subject Land/Locality	: Nil
Proponent	: City of Albany
Owner	: City of Albany
Reporting Officer(s)	: Manager Customer Services (B Parker)
Disclosure of Interest	: Nil
Previous Reference	: OCM 17.05.05 – Item 12.2.1
Summary Recommendation	: That Council endorses the recommended changes to the Service Complaint Policy and Procedure
Bulletin Attachment	: Service Complaint Policy and Procedure
Locality Plan	: Nil

BACKGROUND

1. On 17 May 2005, Council adopted a Service Complaint Policy and Procedure to fill a policy void in relation to effectively dealing with service complaints. The void had previously created a number of inconsistencies in the way that the City received, processed and resolved service complaints.
2. Since the adoption of the Service Complaint Policy and Procedure, the City has managed to effectively resolve a number of service complaints that have provided an opportunity for system and process improvement.
3. A recent review of the Policy has highlighted a potential shortfall from a neutrality perspective that relates to the General Management Services Team and the Chief Executive Officer's (CEO) role on the Internal Review committee. As the process currently stands, the CEO would have the opportunity to initially satisfy a complaint made against the General Management Services Team. If the complaint could not be satisfied at this point, it would be forwarded to the Internal Review Committee.
4. The Internal Review Committee consists of the CEO, Manager Customer Services and three Elected Members. The purpose of the Internal Review Committee is to independently review the process from a neutral perspective and make an impartial decision.
5. The potential of the CEO to initially address a complaint and then participate in the review process jeopardises the impartiality of the Internal Review Committee.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.2 continued

STATUTORY REQUIREMENTS

6. There are no statutory requirements relating to this item.

POLICY IMPLICATIONS

7. The Service Complaints Policy relates to this item.

FINANCIAL IMPLICATIONS

8. There are no financial implications relating to this item.

STRATEGIC IMPLICATIONS

9. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision:

Excellent community infrastructure and services.

Mission Statement:

The City of Albany is committed to delivering excellent community services.

Priority Projects:

Nil”

COMMENT/DISCUSSION

10. It is proposed that the Chief Executive Officer continues to initially resolve complaints made in relation to the General Management Services Team. If the complaint cannot be satisfied at this level, it is proposed that the Executive Director Corporate and Community Services replaces the Chief Executive Officer on the Internal Review Committee.

RECOMMENDATION

That Council amend the following sections of the Service Complaint Policy;

PROCEDURE: Service complaints that cannot be resolved by the CEO/Executive Director of the relevant team, will be dealt with by the City’s Internal Review Committee.

INTERNAL REVIEW COMMITTEE: The internal review committee will consist of the Chief Executive Officer, Manager Customer Services and three Elected Members.

When a complaint is made against the General Management Services Team, the Executive Director Corporate and Community Services will replace the Chief Executive Officer on the Internal Review Committee.

Voting Requirement Simple Majority

Item 12.2.2 continued

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR WATERMAN**

That Council amend the following sections of the Service Complaint Policy;

PROCEDURE: Service complaints that cannot be resolved by the CEO/Executive Director of the relevant team, will be dealt with by the City's Internal Review Committee.

INTERNAL REVIEW COMMITTEE: The internal review committee will consist of the Chief Executive Officer, Manager Customer Services and three Elected Members.

When a complaint is made against the General Management Services Team, the Executive Director Corporate and Community Services will replace the Chief Executive Officer on the Internal Review Committee.

CARRIED 12-0

CORPORATE & COMMUNITY SERVICES REPORTS

12.3 LIBRARY SERVICES

Nil

12.4 DAY CARE CENTRE

Nil

12.5 TOWN HALL

Nil

CORPORATE & COMMUNITY SERVICES REPORTS**12.6 RECREATION SERVICES****12.6.1 Future of old Albany Skate Park (adjacent to North Road Ovals)**

File/Ward	: PRO128 (Yakamia Ward)
Proposal/Issue	: Future of old Albany Skate Park
Subject Land/Locality	: Adjacent to ovals surrounding Albany Leisure Centre, accessible via Barker Road
Proponent	: City of Albany
Owner	: N/A
Reporting Officer(s)	: Executive Director of Works & Services (L Hewer) Manager Community Development (M Weller) Community Development Officer – Youth (T Flett)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: That Council approve the demolition and removal of the skate park adjacent to North Road Ovals.
Bulletin Attachment	: Nil
Locality Plan	: Nil

BACKGROUND

1. In 1998/99 Council installed a small skate park consisting of a cement pad with Rampage Ramps adjacent to North Road ovals. This was extended in 2001 to include the cement half pipe etc designed by Skate Tech, and built by Tectonics Construction Group.
2. Since its completion, the park has witnessed anti social behaviour and littering. The number of incidents requiring police attendance has been increasing over the past 3 years, and the repeated vandalism of bins led to no further replacement of bins at the site. Litter is a recurring problem with rubbish and other items (bikes, shopping trolleys) ending up in the creek and nearby pond. Due to the isolation of the park, it has become a popular place for consumption of alcohol and other substances (petrol sniffing etc). Theft and threats are common and have led to injury to users and wildlife. Arson surrounding the park and the vandalism in the nearby bathroom facilities are a regular occurrence.
3. The Centennial Park Recreation Precinct Plan, adopted June 2003, recommended construction of a municipal Skateboard and BMX facility adjacent to the Albany PCYC youth venue. With the completion of this park in June 2007, there has been an increase in skate and BMX participation has been observed, believed to be attributed to the placing of the park, which provides excellent passive supervision keeping anti social behaviour to a minimum. The contemporary design and quality of construction caters to all levels of abilities for both disciplines.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.6.1 continued

4. The intention of the Centennial Park Plan was for the removal of the old Skate Park accessible via Barker Road on completion of the new municipal skate facility. As a consequence of this, there has been a reduced focus on the long-term maintenance of the facility. The park has not been maintained in recent years as the focus has been on the construction of the new facility. The park is currently in need of repair – the ramps require attention, signage needs to be replaced, and the copings are showing signs of wear. The park also has very poor drainage, taking hours for water to drain, and collects sand and litter in the half pipe.
5. The City of Albany now has four skate parks with additional small beginner facilities planned for young beginners in family parks closer to specific residential populations. The Hare Street facility is a unique downhill track that has recently become the oldest skate park in the world and is attracting many interstate and international visitors. This park is unique and fulfils a different style of skateboarding to other parks in Western Australia. The Hare Street park is well utilised and its retention is strongly recommended. Weerlara and the planned park for Little Grove are small, close to home facilities for beginners to master before moving to the larger municipal park.
6. Since the construction of the new park, use of the old facility has dropped dramatically. However the park is attracting both young beginners who lack the confidence to try the new park, and those who don't want to be seen to continue their antisocial behaviour. Community policing officers have described this as a potentially unsafe combination. There are occasional visits from others who use the park for sentimental reasons or to try a different layout for runs.
7. Consultation was carried out with interested park users, and the general community. Responses included the following:

Four respondents for keeping the park with reasons stated as follows:

 - Park is quieter than the new park, and enables beginners to find their feet
 - Provides an overflow to the municipal park
 - Provides a different set of challenges to the new park
 - Freedom – more room to move, and no supervision

Five respondents to remove the park included the following reasons:

 - The funds required to upgrade and maintain the park could be better allocated to running programs and activities for the youth community including skate & BMX coaching sessions
 - The life of the park would not be extended greatly if the upgrades were to occur.
8. In the event that the Old Skate facility is removed, the site would be required for drainage basins, assisting in the flood mitigation for the area.

STATUTORY REQUIREMENTS

9. There are no statutory requirements relating to this item.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.6.1 continued

POLICY IMPLICATIONS

10. There are no policy implications relating to this item.

FINANCIAL IMPLICATIONS

11. To repair the park, the required work will cost an estimated \$22,600. These repairs include – provision of bins, replace signage, repairs to ramps, rectify hard-standing, and other miscellaneous repairs. It is expected that these repairs will extend the life of the park by 3-4 years.
12. To maintain the park, including regular litter pick ups, maintenance and repairs to nearby bathroom facilities, and regular litter removal from the drains and pond, would require an allocation of approximately \$10,000.
13. The cost to remove the park and rehabilitate the area will be part of the drainage works for the compensating basin and majority of the materials will be recycled, therefore there should be little costs in its demolition.

STRATEGIC IMPLICATIONS

14. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision

A healthy City, Albany’s Community will enjoy... Diverse and affordable cultural, recreational and sporting opportunities.

A thriving City, Albany’s community will enjoy... excellent community infrastructure and services.

Mission Statement:

The City of Albany is committed to sustainably managing Albany’s municipal assets and at all times we will respect the Community’s aspirations and resources and actively keep abreast of best practice.

Priority Projects:

Nil”

COMMENT/DISCUSSION

15. Given that:
- a. The old Skate Park is poorly located
 - b. The high incidence of anti-social behaviour at the facility
 - c. The fact that the need for skate park facilities can be best serviced by the Hare Street, Sanford Road and current and planned family park facilities
 - d. The need for a drainage basin at the site
 - e. There was no significant public response to retain the facility during the advertised public consultation period.

It is recommended that the skate park adjacent to the North Road Ovals be removed.

Item 12.6.1 continued

RECOMMENDATION

THAT Council approve the demolition and removal of the skate park situated adjacent to the North Road ovals, with the site being rehabilitated as a drainage-compensating basin.

Voting Requirement Simple Majority

ALTERNATE MOTION

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR WALKER**

THAT

- i) Council approve the demolition and removal of the skate park situated adjacent to the North Road ovals, with the site being rehabilitated as a drainage-compensating basin.**
- ii) A report be prepared on the condition and usage of the Hare Street Skate Park, and distributed to elected members.**

CARRIED 12-0

Reason:

The Hare Street Skate Park is reportedly the oldest Skate Park still in use in Australia. Given its age, it is important that its condition is reviewed on a regular basis, as well as its ongoing usage (as the track is suitable for intermediate to advanced skaters).

12.7 VISITORS CENTRE

Nil

CORPORATE & COMMUNITY SERVICES REPORTS

12.8 CORPORATE & COMMUNITY SERVICES COMMITTEE

12.8.1 Albany Town Hall Theatre Advisory Committee meeting minutes – 4th July 2007

- File/Ward** : SER047 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of Albany Town Hall Theatre Advisory Committee held on the 4th July 2007 be received.

RECOMMENDATION

THAT the minutes of the Albany Town Hall Theatre Advisory Committee meeting held on the 4th July 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

.....
**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR WOLFE**

THAT the minutes of the Albany Town Hall Theatre Advisory Committee meeting held on the 4th July 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

CARRIED 12-0

CORPORATE & COMMUNITY SERVICES REPORTS

12.8.2 Albany Arts Advisory Committee meeting minutes – 11th July 2007

- File/Ward** : MAN116 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of Albany Arts Advisory Committee held on the 11th July 2007 be received and recommendations adopted.

RECOMMENDATION

THAT the minutes of Albany Arts Advisory Committee meeting held on the 11th July 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin), and the following recommendation adopted:

Item 6.1 – Community Arts Busking Program Guidelines

RECOMMENDATION

THAT the Guidelines for the Community Arts Busking Program be adopted.

Voting Requirement Simple Majority

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR JAMIESON**

THAT the minutes of Albany Arts Advisory Committee meeting held on the 11th July 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin), and the following recommendation adopted:

Item 6.1 – Community Arts Busking Program Guidelines

RECOMMENDATION

THAT the Guidelines for the Community Arts Busking Program be adopted.

CARRIED 12-0

CORPORATE & COMMUNITY SERVICES REPORTS

12.8.3 Aboriginal Accord Advisory Committee meeting minutes – 18th July 2007

- File/Ward** : MAN134 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of Albany Aboriginal Accord Advisory Committee meeting held on 18th July 2007 be received.

RECOMMENDATION

THAT the minutes of the Albany Aboriginal Accord Advisory Committee meeting held on 18th July 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

.....

<p>MOVED COUNCILLOR BOJCUN SECONDED COUNCILLOR MARSHALL</p> <p>THAT the minutes of the Albany Aboriginal Accord Advisory Committee meeting held on 18th July 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin).</p> <p style="text-align: right;">CARRIED 12-0</p>

Works & Services

REPORTS

WORKS & SERVICES REPORTS

- R E P O R T S -

13.1 CITY ASSETS - ASSET MANAGEMENT

Nil

13.2 CITY SERVICES – WASTE MANAGEMENT

Nil

WORKS & SERVICES REPORTS**13.3 CITY SERVICES – AIRPORT MANAGEMENT****13.3.1 Albany Airport – Business Plan 2007/08 to 2011/12**

File/Ward	: MAN007 (Kalgan Ward)
Proposal/Issue	: Business Plan - Airport
Subject Land/Locality	: Lot 213 Albany Highway, Drome
Proponent	: City of Albany
Owner	: City of Albany
Reporting Officer(s)	: Manager City Services (I Neil)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: The City receive and adopt the Business Plan 2007/08 to 2011/12 and resolve to decommission the Instrument Landing System
Bulletin Attachment	: Business Plan
Locality Plan	: N/A

BACKGROUND

1. The Albany Airport was constructed by the air force in the 1940's and was extensively used as an airbase during the Second World War. The Department of Civil Aviation then took over operations and a passenger and mail service was commenced.
2. Runway 14/32 was soon adopted as the main runway and the airfield was rationalised to a two-direction gravel runway aerodrome. The Commonwealth Government sealed this runway in 1984 shortly before the Shire of Albany accepted the ownership and responsibility for management of the facility.
3. The Shire of Albany constructed the present terminal in 1988 and undertook resheeting of the main runway with a 20mm thick open graded asphalt surface in 1994. This runway was extended 200 metres south in 1997 and an additional 50-75 mm layer of open graded asphalt was laid. This work now allows unlimited BAE 146 flights and restricted landings for Boeing 737 Aircraft. In addition, the passenger terminal was enlarged and upgraded in 1998 to meet the needs of increased passenger numbers.
4. The Airport's operations were reviewed by Connell Wagner Pty Ltd in 2003 and with the changes to the aviation industry and the increase in passenger movements at the airport it is appropriate to again review these operations. Please refer to the Business Plan, which is a bulletin attachment to this item.

WORKS & SERVICES REPORTS

Item 13.3.1 continued

STATUTORY REQUIREMENTS

5. Under section 3.18 of the Local Government Act 1995, the City is to satisfy itself that the services and facilities it provides are managed effectively and efficiently.

POLICY IMPLICATIONS

6. The Business Plan will provide strategic guidelines for the development and implementation of sustainable expenditure and revenue programs

FINANCIAL IMPLICATIONS

7. Airport operations over the next five years are anticipated to contribute \$2.1 million in direct financial return to Council provided that the ILS is de-commissioned. Should Council continue with the ILS then the returns would reduce by \$630K to approximately \$1.97 million. At the end of the business planning period an estimated \$1.47 million will be held in reserve for infrastructure replacement and/or refurbishment.

STRATEGIC IMPLICATIONS

8. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision:

A Healthy City. Albany’s community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through encouraging alternative forms of transport and implementing an effective public transport system.

A Thriving City. Albany’s community will enjoy economic growth and outstanding opportunities for our youth through

- *Excellent community infrastructure and services,*
- *Dynamic promotion and marketing of Albany’s advantages and opportunities,*
and
- *Providing a complete tourism experience.*

Mission Statement:

The City of Albany is committed to sustainably managing Albany’s municipal assets

Priority Projects:

Nil.”

COMMENT/DISCUSSION

9. This Business Plan outlines the needs of the Albany airport over the next five financial years.
10. The plan reviews the environment in which the airport operates and recommends some changes to operations.

WORKS & SERVICES REPORTS

Item 13.3.1 continued

11. Specifically the plan recommends the following
 - That the City takes an active involvement in the review of the Skywest exclusive Regular Passenger Transport (RPT) contract, which expires on 31/12/2008 to ensure that stakeholder concerns relating to on-time performance, scheduling and fare structures are addressed.
 - That a further 4 hangar sites and appurtenant infrastructure be developed in accordance with the attached plans and expressions of interest be called for their release.
 - That the existing “hire” and “overflow” car parks be upgraded so as 20 bays can be allocated to hire car concessions and 14 bays allocated to General Aviation patrons.
 - That the Instrument Landing System be decommissioned unless a valid economic justification and appropriate financial contribution is made to the Airport Business Unit from the Economic Development functions of the City. (See comment below)
 - That the refurbishment of the airport terminal building be undertaken in line with the attached plans.
 - That runway and taxiway maintenance and improvements be undertaken in accordance with this plan and funds committed accordingly.
 - That the annual transfer to the Airport Reserve Fund be based upon the calculated flat line depreciation amount for fixed assets plus 20% of gross operating profit and that the remaining net profit along with the taxation equalisation payment be paid to Council.
 - That a valuation of fixed assets be undertaken at least once every three years to ensure the accuracy and efficacy of the reserve fund transfer.

12. Instrument Landing System

The Albany ILS was commissioned in late 2000 and was made possible through funding from;

 - The former Southern Province Regional Economic Development Organisation (SPREDO) – Federal funding
 - Department of Transport, (now the Department for Planning and Infrastructure) - State funding and ;
 - City of Albany.

13. The primary objective of installing an ILS into Albany was as an economic development initiative as part of a broad strategy to attract flight training schools to the South West. Other reasons were to minimise delays and disruption to Regular Passenger Transport (RPT) in times of inclement weather.

WORKS & SERVICES REPORTS

Item 13.3.1 continued

14. The annual operating cost of the ILS is approximately \$117,000 (quoted for next three year period). The system is maintained by Airservices Australia, which is the only company in Australia registered to undertake this work. The cost is currently being met by airport income.
15. It is very difficult to justify the retention of the ILS in economic terms; an ongoing annual cost of \$117,000 is significant. None of the key stakeholders have offered to contribute directly to its maintenance.
16. Feedback from key stakeholders (included in the bulletin report) has indicated a strong desire to keep the system operational, however there is a reluctance to pay for operating costs. RAAF flight training provides benefits to the local economy (estimated at \$160,000 pa based on recent activities) and Skywest operates flight training once per week, which has an added benefit of providing an additional passenger service.
17. The Manager City Services has reported that the new staffing structure at the airport has resulted in more accurate and relevant data being gathered than previously reported. Early indications are that the use of the airport by General Aviation (GA) is much higher than earlier reported; the use of the ILS by GA is unknown at this time.
18. The airport will soon install an automated system to track all airport movements 24 hours a day 7 days a week. This system will give the airport much more accurate data to assess the use of the airport and the ILS.
19. There are four suggested options for Council to decide upon:-
 - i) Decommission the ILS immediately.
 - ii) Continue the ILS service and budget \$117,000pa from the Municipal Operating Fund (Economic Development).
 - iii) Implement a system of user pays for the system and review its impact in twelve months time (e.g. Tamworth charges a fee of \$50.00 per landing). During this time the following assessments could be undertaken;
 - More accurate determination of ILS usage.
 - Sourcing more competitive maintenance costs.
 - Intensive effort to attract a major flight training school to Albany with the assistance of Skywest.
 - iv) Discontinue operation of the ILS until such time as there is a major aviation training tenant able to contribute to its operating cost.
20. The Officer recommendation is based on the rationale that a continuation of the ILS service would be sourced from economic development program funds and that these resources would be better applied to other programs such as investment attraction, tourism development or infrastructure support. The recommendation provides for retention of the physical infrastructure without committing funds for annual maintenance. Re-commissioning of the ILS would occur if and when a major user such as an aviation training school is sourced.

WORKS & SERVICES REPORTS

Item 13.3.1 continued

RECOMMENDATION

THAT Council;

- i) Adopt the Albany Airport Business Plan 2007/08 to 2011/12; and
- ii) Discontinue operation of the ILS until such time as there is a major aviation tenant able to contribute to its operating cost, with this arrangement to be reviewed annually.

Voting Requirement Simple Majority

ALTERNATE MOTION

MOVED COUNCILLOR MARSHALL
SECONDED COUNCILLOR BOJCUN

THAT Council

1. Adopt the Albany Airport Business Plan 2007/08 to 2011/12: and
2. Continue the ILS (Instrument Landing System) and budget \$117,000pa from the Municipal Operating Fund (Economic Development).

AMENDMENT MOTION

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR MARSHALL**

THAT the following points be added to the alternate motion:

- 3. Undertake a more accurate determination of ILS usage in the next 12 months;**
- 4. Source, if possible, more competitive maintenance costs of the ILS;**
- 5. Make a more intensive effort to attract a major flight training school to Albany; and**
- 6. Seek federal government funding assistance towards the costs of operating the ILS.**

CARRIED 8-4

Reason:

Clear direction needs to be established as to the usage, importance and cost effective funding the ILS in the longer term.

Record of Vote:

For: Councillors Marshall, Paver, Bojcun, Evans, Jamieson, Wolfe, Walker and West

Against: Deputy Mayor Wellington, Councillors Waterman, Lionetti and Wiseman

Item 13.3.1 continued

The amended motion became the substantive motion and was put.

**MOVED COUNCILLOR MARSHALL
SECONDED COUNCILLOR BOJCUN**

THAT Council

- 1. Adopt the Albany Airport Business Plan 2007/08 to 2011/12: and**
- 2. Continue the ILS (Instrument Landing System) and budget \$117,000pa from the Municipal Operating Fund (Economic Development).**
- 3. Undertake a more accurate determination of ILS usage in the next 12 months;**
- 4. Source, if possible, more competitive maintenance costs of the ILS;**
- 5. Make a more intensive effort to attract a major flight training school to Albany; and**
- 6. Seek federal government funding assistance towards the costs of operating the ILS.**

CARRIED 8-4

Reason:

- The Airport is a strategic major asset of the City of Albany returning excellent financial returns annually.
- Impending population growth and aggressive tourism promotion of “Amazing Albany” the winner of the GWN 2006 Top Tourism Town necessitates the Albany Airport is a major player in attracting tourists to the region.
- All major stakeholders have indicated their strong support in the retention of the existing system.
- The retention of the ILS will ensure that delays and disruption to the Regular Passenger Transport (RPT) are minimised in times of inclement weather.

Record of Vote:

For: Councillors Marshall, Paver, Bojcun, Evans, Jamieson, Wolfe, Walker and West

Against: Deputy Mayor Wellington, Councillors Waterman, Lionetti and Wiseman

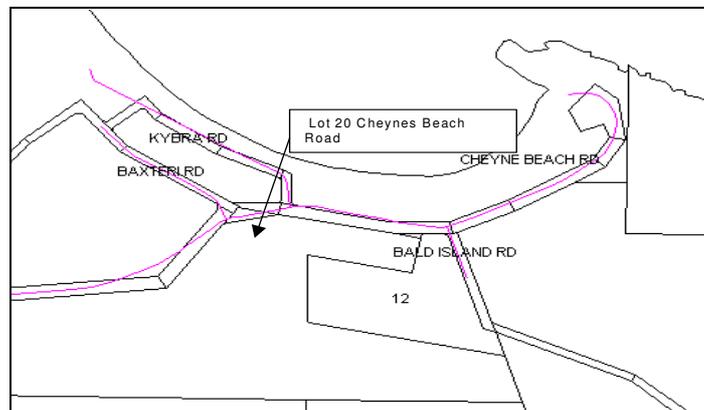
13.4 CITY SERVICES – CONTRACT MANAGEMENT

Nil

13.5 CITY SERVICES – PROPERTY MANAGEMENT

13.5.1 Surrender of Lease for Lot 20 Cheynes Beach Road

File/Ward	:	PRO145 (Hassell Ward)
Proposal/Issue	:	Surrender of Lease
Subject Land/Locality	:	Reserve 878, being Lot 20 Cheynes Beach Road, Cheynes Beach
Proponent	:	Bryan John Sell
Owner	:	Crown Land
Reporting Officer(s)	:	Property Officer (H Tasker)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	To agree to a Surrender of the Lease over Lot 20 Cheynes Beach Road, Cheynes Beach subject to Ministerial Approval.
Bulletin Attachment	:	Nil
Locality Plan	:	



BACKGROUND

1. Reserve 878, Cheynes Beach Road is Crown Land, under a Management Order from Landgate to the City of Albany, with power to lease for up to 21 years.
2. On 1st November 1998 a lease was agreed between the City of Albany and Mr Bryan John Sell, for a portion of Reserve 878, in particular Lot 20 Cheynes Beach Road, Cheynes Beach.

WORKS & SERVICES REPORTS

Item 13.5.1 continued

3. The lease, specifically for the purpose of accommodation for a professional, licensed fisherman operating from Cheynes Beach was for a period of 10 years with a possible further term of 10 years commencing as at 1st November 2008, subject to Ministerial Approval.
4. Mr Sell has found he has not been in a position to build accommodation on the site since taking on the lease and Lot 20 remains un-cleared virgin bush.
5. Mr Sell is requesting Council accept his offer of Surrender of Lease.

STATUTORY REQUIREMENTS

6. Section 3.58 of the Local Government Act 1995 deals with the disposing of property, including leased property, however it does not cover the surrendering of leases but leaves this up to Council to make an informed decision.

POLICY IMPLICATIONS

7. There are no policy implications relating to this item.

FINANCIAL IMPLICATIONS

8. Current rental stands at \$900.00 per annum, not inclusive of GST and is subject to Market Valuation every 2 years, the next being due in 2008.
9. Rates for 2006/07 were \$543.00 with an increase to \$546.00 for 2007/08.
10. If Council agrees to a surrender of the lease, rates and rental will be calculated and paid on a pro rata basis.
11. As lease Lot 20 is specifically for the purpose of providing Accommodation for eligible Commercial Fishermen it is unlikely the Lot will be re-leased in the foreseeable future.
12. All costs associated with the Surrender are to be borne by the Lessee.

STRATEGIC IMPLICATIONS

13. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision:

Not applicable

Mission Statement:

The City of Albany will always be renowned for our customer focus and at all times we will respect the Community’s aspirations and resources.

Priority Projects:

Not applicable.”

WORKS & SERVICES REPORTS

Item 13.5.1 continued

COMMENT/DISCUSSION

- 14. Mr Sell is a licensed commercial fisherman and has been in the Commercial Fishing industry for many years. He applied for a fisherman's accommodation lease at Cheynes Beach with the full intention of carrying out his business as a licensed commercial fisherman from Cheynes Beach.
- 15. Due to the downturn in the Salmon fishing industry, the costs involved in building accommodation on the leased Lot 20 are no longer a viable proposition.
- 16. As Lot 20 forms part of Reserve 878, Ministerial Approval will be required for the surrender.

RECOMMENDATION

THAT Council;

- i) accept Bryan John Sell's request for a Surrender of the Lease of Lot 20 Cheynes Beach Road, Cheynes Beach for the purpose of Accommodation for Commercial Fisherman, subject to Ministerial Approval;
- ii) instruct staff to prepare and submit Surrender of Lease documentation for signing and execution by the Lessee and Lessor and for the application of the City of Albany's Common Seal.

Voting Requirement Simple Majority

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR JAMIESON**

THAT Council;

- i) accept Bryan John Sell's request for a Surrender of the Lease of Lot 20 Cheynes Beach Road, Cheynes Beach for the purpose of Accommodation for Commercial Fisherman, subject to Ministerial Approval;**
- ii) instruct staff to prepare and submit Surrender of Lease documentation for signing and execution by the Lessee and Lessor and for the application of the City of Albany's Common Seal.**

CARRIED 12-0

13.6 CITY WORKS – CAPITAL WORKS

Nil

WORKS & SERVICES REPORTS

13.7 CITY WORKS – RESERVES, PLANNING & MANAGEMENT

13.7.1 Request to Deal with an Objection to a Staff Decision

File/Ward	:	MAN180 (All Wards)
Proposal/Issue	:	Request to deal with an objection against a decision, under Section 9.5 of the Local Government Act.
Subject Land/Locality	:	N/A
Proponent	:	Dr D Smith
Owner	:	N/A
Reporting Officer(s)	:	Executive Director Works and Services (L Hewer)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council acknowledge Dr D Smith's appeal and decline any further work to be carried out
Bulletin Attachment	:	Objection to a Decision application
Locality Plan	:	N/A

BACKGROUND

1. In November 2006, Council was approached by Dr Smith to investigate his concerns on several matters arising out of construction works on his neighbouring property.
2. The Executive Director Works and Services investigated the concerns, and, in general, most items were attended to.
3. Further to his queries, another request was submitted regarding a letterbox on the Council verge and the condition of the access way to his and other properties.
4. Additional correspondence was forwarded, explaining that the letterbox was located to Council's satisfaction and that the access way is to a suitable standard.
5. Dr Smith has objected to the determination and has requested, that as per Section 9.5 of the Local Government Act, Council arbitrate on his objection to a decision made by staff, regarding the placement of the letterbox (Objection to a Decision application in Elected Members Bulletin).

WORKS & SERVICES REPORTS

Item 13.7.1 continued

STATUTORY REQUIREMENTS

6. Under the Local Government Act, Section 9.5, Objection may be lodged –
- (1) An affected person may object to a decision if the person has not applied under this Division for a review of the decision.
 - (2) The objection is made by preparing it in the prescribed form and lodging it with the local government in the prescribed manner within 28 days after the right of objection arose (ie. Within 28 days after the decision), or within such further time as the local government may allow.

POLICY IMPLICATIONS

7. There are no policy implications relating to this item.

FINANCIAL IMPLICATIONS

8. There are no financial implications relating to this item.

STRATEGIC IMPLICATIONS

9. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision:

N/A

Mission Statement:

The City of Albany is committed to promoting our Community’s vision for the future. At all times we will respect the Community’s aspirations and resources.

Priority Projects:

N/A.”

COMMENT/DISCUSSION

10. The letterbox was constructed recently as part of a redevelopment works by the owner. The location of the letterbox was sited to match into the existing verge landscaping and ease for Australia Post to access.
11. The letterbox is next to an existing open drain, therefore no further vehicle access would be gained in its removal. It also acts as a safety barricade, ensuring vehicles cannot inadvertently drive into the open drain.
12. The decision to leave the letterbox in its current location, is based on practicability and safety after a site inspection was carried out.
13. The bitumen access way was constructed to assist property owners to gain access to their property. There is no historical data as to who constructed it. It is presumed that it was constructed because of a large granite rock outcrop and the unusual configuration of the lot boundaries.
14. The condition of the access way is satisfactory and is not planned for any further upgrades.

WORKS & SERVICES REPORTS

Item 13.7.1 continued

RECOMMENDATION

THAT Council acknowledge Dr D Smith’s appeal and decline any further work to be carried out.

Voting Requirement Simple Majority

.....

ALTERNATE MOTION

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR JAMIESON**

THAT Council note Dr D Smith’s appeal and instruct the Executive Director of Works & Services to carry out remedial work on the access way and drainage and to ensure that landscaping is carried out in a safe manner and to a safe standard.

CARRIED 12-0

Reason:

- Council manage and controls the road verges
- The condition of the road and drainage has deteriorated and needs repairing to maintain proper access and stormwater is functioning properly.
- Concern over infrastructure on Council controlled verges having any future safety and or risk of drainage issues.

Councillor Lionetti left the meeting during consideration of Item 13.7.1 at 9.36pm, and returned during consideration of the Item at 9.37pm.

13.8 WORKS & SERVICES COMMITTEES

Nil

General Management Services

REPORTS

GENERAL MANAGEMENT SERVICES REPORTS

14.1 STRATEGIC DEVELOPMENT

Nil

GENERAL MANAGEMENT SERVICES REPORTS**14.2 ORGANISATIONAL DEVELOPMENT****14.2.1 Operational Human Resources Policy**

File/Ward	: PER028 (All Wards)
Proposal/Issue	: Review of Human Resources Policy
Subject Land/Locality	: N/A
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Manager Executive Services (C Grogan)
Disclosure of Interest	: Nil
Previous Reference	: 15/05/2007 OCM Item 14.2.1
Summary Recommendation	: That the reviewed Operational HR Policy be adopted
Bulletin Attachment	: Operational Human Resources Policy
Locality Plan	: N/A

BACKGROUND

1. Albany offers an attractive environment in which to work and reside however other employers in the market place offer similar if not better conditions. If the City is to maintain its position as an employer of choice it is critical that it be vigilant in providing a contemporary workplace with competitive benefits and thus the operational Human Resources policy needs to be periodically reviewed and updated.
2. The Human Resources Policy was first developed and adopted in June 2001, and has only been amended twice since that time as outlined below:
 - March 2005 to provide for the City's Professional Benefits program and
 - May 2007 to increase the value of a number of allowances and to specify the arrangements and rules relating to employee use of mobile phones.
3. The employment market for technically qualified people such as Engineers, Town Planners and Environmental Health Officers is very tight and it is becoming almost impossible to recruit qualified people from within Australia.
4. In response to this situation the City of Albany, like many other employers, is seeking to recruit qualified staff from overseas under the Migration Act 1958 section 457 Business Sponsorship visa. Where the sponsored individual has dependent family such as spouse and children the employer is also required to extend their sponsorship to those too.
5. In order to sponsor overseas employees (and their families) the employer is required to accept a number of financial undertakings and currently the City's Operational Human Resources Policy provides no guidance about how to address the undertakings.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.1 continued

6. The sponsorship undertakings continue for the duration of their employment with the City of Albany and ceases when their employment with the City of Albany ceases and they are granted another visa to work with another approved sponsor who assumes the undertakings, or if the sponsored employee successfully gains a permanent residency visa; or if the sponsored employee and accompanying family member/s depart Australia and the visa cease.

STATUTORY REQUIREMENTS

7. Section 5.41 of the Local Government Act 1995 provides in part that the Chief Executive Officer shall be responsible for the employment, management, supervision, direction and dismissal of employees relevant to this matter.

POLICY IMPLICATIONS

8. Current Human Resource Operational Policies will require amendment to accommodate proposed changes.

FINANCIAL IMPLICATIONS

9. The majority of the undertakings in relation to section 457 Business Sponsorship visas are normal employment costs such as superannuation contributions or can be offset by the employee purchasing health and income protection insurance.
10. However one element of the undertakings (namely 'repatriation costs' which are discussed in more detail below) has the potential to expose the City of Albany financially. It is proposed that the City of Albany limit the extent of its exposure to the cost of a one-way flight per sponsored person to their country of origin only, up to the maximum value of \$2500 per person. These costs would be borne by the relevant team operational budget.

STRATEGIC IMPLICATIONS

11. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision:

Nil

Mission Statement:

We will value and develop our people

Priority Projects:

Operational Improvement Project Number 39, namely the development of HR Plan to ensure the City is well positioned to attract the skills and resources required to meet future strategic objectives.”

COMMENT/DISCUSSION

12. There are three main areas for which the sponsoring employer is required to accept responsibility.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.1 continued

13. Sponsoring Employer Responsibility Area 1: Accept responsibility for obligations to the Commonwealth for sponsored persons.
14. This includes ensuring that tax instalments are deducted from salary or wages and eligible termination payments of the principal 457 holder; making superannuation contributions for the principal 457 holder. These responsibilities are standard employer responsibilities and as such require no additional policy response.
15. However this undertaking also includes the sponsor paying debts owed to the Commonwealth Government as a result of a sponsored person and/or dependants receiving or using Commonwealth benefits or services to which they have no entitlement, such as Medicare, social security benefits etc.
16. Sponsoring Employer Responsibility Area 2: Accept financial responsibility directly or through acceptable medical insurance arrangements, for all medical and hospital costs incurred in Australia by sponsored persons and their dependants. The sponsor takes responsibility for ensuring that the sponsored employee and accompanying family members are covered by medical insurance during their stay in Australia. In the event that payment for certain treatment is not covered by the policy, the sponsor is liable to the provider for any medical costs the provider cannot recover from the insurance company. The sponsor is responsible for payment to the service provider, not to the visa holder.
17. Sponsoring Employer Responsibility Area 3: Be responsible for repatriation costs for sponsored persons and dependants. If after completing work for the sponsor the visa holders depart Australia, the sponsor is required to ensure that they have the means to return to their home country, either by purchase of a ticket or by allocating a specific sum for that purpose in a termination payment. If the visa holders are granted a further visa to remain in Australia (other than a visitor visa), the sponsor is not required to pay repatriation costs. The mode of travel and whether an allowance for removal of personal effects is included is a matter of negotiation between the sponsor and visa holder. Where a 457 visa holder remains unlawfully in Australia or applies for a Protection visa the sponsor may be liable for detention and removal costs.
18. To avoid exposing the City of Albany to excessive costs associated with the above undertakings it is proposed that as a condition of employment that all sponsored employees agree to a number of insurance and financial safeguards in the event of accidental injury / disease (as specified below) and that a cap be placed on the extent of repatriation costs that the City of Albany will be exposed to.
19. Health Insurance Coverage

Employees recruited through the Migration Act 1958 section 457 visa Business Sponsorship process are required to ensure that they secure private health insurance coverage for the primary applicant and family:

- Health insurance is a mandatory requirement for any applicant recruited under the 457-visa process and the applicant's accompanying family members.
- Health insurance payments may be contributed through the City of Albany's payroll deduction system.
- Health insurance coverage must include private hospital coverage and top level outpatient coverage.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.1 continued

- Any 'excess' and 'gap' payments resulting from hospitalisation and medical treatment are the responsibility of the sponsored employee, including those payments incurred by the accompanying family members.
- 20. Applicants must demonstrate to the Chief Executive Officer's satisfaction that they are aware of the waiting periods as outlined by the health insurance fund of their choice.
- 21. Income Protection Insurance
Successful applicants employed through a Migration Act 1958 section 457 Business Sponsorship visa process are required as part of the recruitment process to secure income protection insurance coverage to the Chief Executive Officer's satisfaction.
- 22. At a minimum the insurance must cover any accidental injury or disease that incapacitates the sponsor employee to the point that all other entitlements are exhausted, such as personal and annual leave as provided in their conditions of employment with the City of Albany.
- 23. Income protection insurance may be purchased through the City of Albany's payroll deduction system.
- 24. Repatriation expenses

The Chief Executive Officer be delegated to pay up to a maximum of \$2,500 per sponsored person for the repatriation costs associated with the relocation of a sponsored employee and sponsored accompanying family members to their country of origin.
- 25. Repatriation expenses include a one-way ticket for the sponsored employee and sponsored accompanying family member/s to return to their country of origin only. The City of Albany will not accept any other expenses related to the repatriation of sponsored employees.

RECOMMENDATION

THAT Council endorse changes to employment conditions at the City of Albany for employees employed under the Migration Act 1958 section 457 visa Business Sponsorship, by inserting the following into the Operational Human Resources policy:

Health Insurance Coverage

Employees recruited through the Migration Act 1958 section 457 visa Business Sponsorship process are required to ensure that they secure private health insurance coverage for the primary applicant and family:

- Health insurance is a mandatory requirement for any applicant recruited under the 457-visa process and the applicant's accompanying family members.
- Health insurance payments may be contributed through the City of Albany's payroll deduction system.
- Health insurance coverage must include private hospital coverage and top level outpatient coverage.
- Any 'excess' and 'gap' payments resulting from hospitalisation and medical treatment are the responsibility of the sponsored employee, including those payments incurred by the accompanying family members.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.1 continued

Applicants must demonstrate to the Chief Executive Officer's satisfaction that they are aware of the waiting periods as outlined by the health insurance fund of their choice.

Income Protection Insurance

Successful applicants employed through a Migration Act 1958 section 457 Business Sponsorship visa process are required as part of the recruitment process to secure income protection insurance coverage to the Chief Executive Officer's satisfaction.

At a minimum the insurance must cover any accidental injury or disease that incapacitates the sponsor employee to the point that all other entitlements are exhausted, such as personal and annual leave as provided in their conditions of employment with the City of Albany.

Income protection insurance may be purchased through the City of Albany's payroll deduction system.

Repatriation expenses

The Chief Executive Officer be delegated to pay up to a maximum of \$2,500 per sponsored person for the repatriation costs associated with the relocation of a sponsored employee and sponsored accompanying family members to their country of origin.

Repatriation expenses include a one-way ticket for the sponsored employee and sponsored accompanying family member/s to return to their country of origin only. The City of Albany will not accept any other expenses related to the repatriation of sponsored employees.

Voting Requirement Simple Majority

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR MARSHALL**

THAT Council endorse changes to employment conditions at the City of Albany for employees employed under the Migration Act 1958 section 457 visa Business Sponsorship, by inserting the following into the Operational Human Resources policy:

Health Insurance Coverage

Employees recruited through the Migration Act 1958 section 457 visa Business Sponsorship process are required to ensure that they secure private health insurance coverage for the primary applicant and family:

- **Health insurance is a mandatory requirement for any applicant recruited under the 457-visa process and the applicant's accompanying family members.**
- **Health insurance payments may be contributed through the City of Albany's payroll deduction system.**
- **Health insurance coverage must include private hospital coverage and top level outpatient coverage.**
- **Any 'excess' and 'gap' payments resulting from hospitalisation and medical treatment are the responsibility of the sponsored employee, including those payments incurred by the accompanying family members.**

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.1 continued

Applicants must demonstrate to the Chief Executive Officer's satisfaction that they are aware of the waiting periods as outlined by the health insurance fund of their choice.

Income Protection Insurance

Successful applicants employed through a Migration Act 1958 section 457 Business Sponsorship visa process are required as part of the recruitment process to secure income protection insurance coverage to the Chief Executive Officer's satisfaction.

At a minimum the insurance must cover any accidental injury or disease that incapacitates the sponsor employee to the point that all other entitlements are exhausted, such as personal and annual leave as provided in their conditions of employment with the City of Albany.

Income protection insurance may be purchased through the City of Albany's payroll deduction system.

Repatriation expenses

The Chief Executive Officer be delegated to pay up to a maximum of \$2,500 per sponsored person for the repatriation costs associated with the relocation of a sponsored employee and sponsored accompanying family members to their country of origin.

Repatriation expenses include a one-way ticket for the sponsored employee and sponsored accompanying family member/s to return to their country of origin only. The City of Albany will not accept any other expenses related to the repatriation of sponsored employees.

CARRIED 12-0

GENERAL MANAGEMENT SERVICES REPORTS**14.3 ECONOMIC DEVELOPMENT**

Councillor Paver declared an impartiality interest in Item 14.3.1 and left the meeting at 9.45pm. The nature of Councillor Paver's interest is that the applicant is a client of a company of which Councillor Paver is a Director.

Councillor Wiseman left the meeting prior to consideration of Item 14.3.1 at 9.45pm.

14.3.1 Engage in the Adopt a Humpback Whale Migration Icon Project

File/Ward	: MAN116 (All Wards)
Proposal/Issue	: Humpback Whale Migration Icon Project.
Subject Land/Locality	: Nil
Proponent	: City of Albany
Owner	: Nil
Reporting Officer(s)	: Project Administration Officer (S Jamieson)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: THAT Council endorses the adoption of a whale through the Humpback Whale Migration Icon Project.
Bulletin Attachment	: Report Titled The Humpback Whale Migration Project.
Locality Plan	: Not Applicable

BACKGROUND

1. On the 24 Jun 2007, the City of Albany received correspondence from Mr Steve Mitchell, Naturaliste Charters, inviting the City to be part of the Humpback Whale Migration Icon Project.
2. The project encourages coastal councils and their communities along Australia's seaboard to celebrate the annual Humpback whale migration by adopting a known named whale as their local whale.
3. Registered councils will be provided with logged sightings of their whale, with the hope to maintain a connection with the whale over a long period.

STATUTORY REQUIREMENTS

4. There are no statutory requirements relating to this item.

POLICY IMPLICATIONS

5. There are no policy implications relating to this item.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued

FINANCIAL IMPLICATIONS

6. There are no policy implications relating to this item. There is no cost to participate in this project.

STRATEGIC IMPLICATIONS

7. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision:

Albany’s community will enjoy healthy, fulfilling lifestyles and a flourishing natural environment through....

- *Restoration, and protection, of areas of high biodiversity within land, river and sea ecosystems.*

Mission Statement:

The City of Albany is committed to ...

- *Providing sound governance, and*
- *Promoting our Community’s vision for the future.*

At all times we will ...

- *Seek Innovative approaches*

Priority Projects:

Nil.”

COMMENT/DISCUSSION

8. The Humpback whale is listed as ‘Vulnerable’ on the International Union for Conservation of Nature (IUCN) threatened species list.
9. This project has been established on the eastern seaboard of Australia (with 27 Communities) and is now being introduced in Western Australia.
10. The aim of the Icon project is to support councils and their communities:
- a. Unite whale watching tour operators, associated businesses, along with interested persons to provide a united front against whalers who want to lift the ban on killing whales;
 - b. Represent the interest of people from all states of Australia that have commercial interest in watching or interpreting the actions of whales and dolphins;
 - c. Lobby local, state and federal governments for the whale watching industry;
 - d. Have a voice on whaling at the International Whaling Commission; and
 - e. Promote non-lethal whale industry to the public through the media and newsletters.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued

11. The City of Albany promotes the Great Southern Region’s natural environment.
12. Humpback whales are an Albany icon, as they shelter in our bays for calving and mating and can be often seen.
13. Albany is the site of the first Greenpeace coordinated action in Australia, to stop whaling, and since this watershed, Albany has progressed from exploiting the death of whales to acknowledging and celebrating the life of whales through innovative approaches to legitimate and non-lethal whale tourism initiatives.
14. Advantages of Membership:
 - a. The City of Albany will be acknowledged for supporting the work of Whale and Dolphin watch Australia Inc on their website.
 - b. Promotes whale watching as a legitimate none lethal use of whales.
 - c. International statement that the City of Albany recognises the value of whales to Australians.
15. Disadvantage of Membership:
 - a. May affect the ‘Sister Cities’ program that was adopted by Council to promote cultural exchange and mutual networking through direct dialogue.
16. Should council support the proposal to become a member of this initiative, it is proposed that the City of Albany conduct a community competition for the naming of the City’s adopted whale.

RECOMMENDATION

THAT Council:

- a) Join as a member of the Humpback Whale Migration Icon Project.
- b) Review its membership of the Humpback Whale Migration Icon Project on an annual basis.
- c) Conduct a community competition for the naming of the City’s adopted whale.

Voting Requirement Simple Majority

.....

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR LIONETTI**

THAT Council:

- a) Join as a member of the Humpback Whale Migration Icon Project.**
- b) Review its membership of the Humpback Whale Migration Icon Project on an annual basis.**
- c) Conduct a community competition for the naming of the City's adopted whale.**

CARRIED 10-0

Councillor Paver returned to the meeting following consideration of Item 14.3.1 at 9.46pm.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued



NATURALISTE CHARTERS

PO Box 48 Dunsborough W.A. 6281

Tel/Fax: (08) 9755 2276

Mob: 0428 938 056

Email: info@whalesaustralia.com

Web: www.whalesaustralia.com

Member: Whale and Dolphin Watch Australia



Mayor Alison Goode
City of Albany
PO Box 484
Albany WA 6331

City of Albany Records
Doc No: ICR7033768
File: MAN103
Date: 13 JUL 2007
Officer: MAYOR
Attach:

24 June 2007

This letter is to introduce you to the Humpback Whale Migration Icon Project. The project is already well established on the eastern seaboard of Australia (with 27 Communities having already joined the ICON Project) and it is now being introduced in Western Australia.

Steve Mitchell, the proprietor of Naturaliste Charters is also President of Whale and Dolphin Watch Australia ('WADWA') an incorporated body of whale and dolphin watch operators throughout Australia. WADWA is also affiliated with the International Alliance of Commercial Whale Watchers and is an official observer at the International Whaling Commission ('IWC').

The project is a collaborative effort between Surfers for Cetaceans, The Oceania Project, IFAW (International Fund for Animal Welfare) and WADWA. WADWA is the coordinating body for the Icon project in Australia.

The project encourages coastal councils and their communities along Australia's seaboard to celebrate the annual humpback whale migration by 'adopting' a known named whale as their local whale. The humpback whale is enlisted as 'Vulnerable' on the IUCN (International Union for the Conservation of Nature) red list of Threatened Species. Humpback whales are considered by all Australian's to be "Natural and National Treasures."

Today, humpback whale populations are still recovering from previous over-exploitation. In addition to this they are threatened by pollution, ocean noise, ship strikes, entanglement in fishing gear and climate change. The proposed removal of 50 whales on an annual basis coupled with the animal's slow reproductive rates (a female

C:\Documents and Settings\Terril\My Documents\Naturaliste Charters\DRAFTS\ADOPT A WHALE 240607.doc



GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued

will only give birth to a calf every 2-3 years), risks conservation efforts for this species as well as affecting our whale watching industries and communities alike.

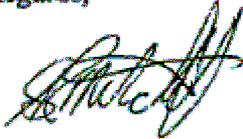
We are seeking the participation of 50 councils/communities on the west coast to adopt a whale in symbolic protest of the 50 to be killed this year. Humpbacks have a unique tail that can be utilised to identify individual animals. Each community can obtain a photograph of a particular whale, name the whale and display that information locally. Details will be provided to participating councils/communities throughout Australia and any sightings of that whale will be logged – enabling you to maintain a connection with the whale, hopefully over a long period of time.

Councils can also utilise any sister-city arrangements to help secure the future of your Whale Icon.

Should you wish to become involved in this very worthwhile project please contact Steve Mitchell for further details.

We look forward to your reply.

Regards,



Steve Mitchell
Naturaliste Charters
Whale & Dolphin Eco Tours

President, Whale and Dolphin Watch Australia Inc.

GENERAL MANAGEMENT SERVICES REPORTS

14.4 CORPORATE GOVERNANCE

Nil

14.5 GENERAL MANAGEMENT SERVICES COMMITTEES

Nil

15.0 ELECTED MEMBERS' REPORT/INFORMATION BULLETIN

15.1 Elected Members' Report/Information Bulletin

DRAFT MOTION

THAT the Elected Member's Report/Information Bulletin, as circulated, be received and the contents noted.

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR EVANS**

THAT the Elected Member's Report/Information Bulletin, as circulated, be received and the contents noted.

CARRIED 11-0

16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

16.1 Acknowledgement of the Efforts of the Chief Executive Officer

Councillor Wiseman returned to the meeting during consideration of Item 16.1 at 9.47pm.

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WATERMAN**

THAT Council formally acknowledge the efforts of the Chief Executive Officer, Andrew Hammond, who has acted above and beyond the call of his normal duties in the process of the Albany Entertainment Centre.

CARRIED 11-1

Reason:

- In his role as Chief Executive Officer, Andrew has acted in a highly professional manner above and beyond the call of his duty in his dealings with the government and the treasury.

Record of Vote:

For: Deputy Mayor Wellington, Councillors Marshall, Bojcun, Waterman, Evans, Jamieson, Wolfe, Walker, West, Lionetti and Wiseman

Against: Councillor Paver

17.0 MAYORS REPORT

Read on behalf of Mayor Alison Goode by Deputy Mayor Dennis Wellington

This month I had the great pleasure of honouring 38 long serving employees of the City of Albany who have contributed 15 years or more to the operations of Council. Without the commitment and input of all of our staff, the City of Albany could not deliver vital services to the community, so it was particularly pleasing to acknowledge those staff who have been with the Council for many years. One of the most important assets of any organization is its staff and this is something that the City of Albany recognises and values. I take this opportunity to commend all staff for the valuable contribution they make to the business of Council and the services provided to this community.

Item 17.0 continued

Four Councillors and myself attended Local Government Week in Perth at the beginning of August. This annual conference, run by the Western Australian Local Government Association, provides various informative and educational sessions for Elected Member development and is also a valuable opportunity for Councillors to network with their peers to discuss and exchange local, state and national information.

Japanese students from Nichinan and Tomioka visited Albany this month, hosted by the Great Southern Grammar School and North Albany Senior High School respectively. I had the pleasure of welcoming and hosting a Civic Luncheon for the 2 groups of students and their adult supervisors. Promoting and encouraging cultural exchange is something that the City actively supports in line with our Learning City philosophy and Sister City agreements. The benefits are far reaching; not only does the program allow the Japanese students to experience our Australian lifestyle but it also allows our local host schools and host families to learn more about Japanese culture over the duration of the students' visit. I took the opportunity to return a formal letter of greeting with the students to both the Mayor of Nichinan and the new Mayor of Tomioka.

And finally, this week the City hosted a Group Citizenship Ceremony at which eleven candidates from China, Columbia, Malawi, the United Kingdom and Zimbabwe took the pledge of Australian Citizenship. The group consisted of both adults and children, all proud to make a pledge of loyalty to Australia, its people and its ideals. I welcome these new citizens to our City.

Thank you
Mayor Alison Goode JP – Her Worship the Mayor

Additional report from Deputy Mayor Dennis Wellington

I have just returned from the National Sea Change Taskforce AGM in Marcoola, Queensland, of which I am an executive member.

This forum was well attended by politicians from both of the major parties, including the Hon. Malcolm Turnbull MP, Hon. Christopher Pyne MP, Hon. Simon Crean MP, Sen. Jan McLucas and Hon. Jenny George MP. Both major political parties indicated that the “sea change phenomenon” is high on their election platform.

Membership to the Executive Committee was contested heavily with me running against members from the Shire of Busselton and City of Wanneroo for WA representation. Fortunately, I was successful with the City of Albany continuing to be represented on the National Sea Change Taskforce Executive Committee.

The purpose of the Taskforce is to establish awareness of the impact of the “sea change phenomenon” and the role of State and Commonwealth governments in assisting coastal councils in dealing with the challenges of rapid population and tourism growth. The Taskforce has also commissioned a report identifying the key issues facing coastal councils in Australia, such as providing infrastructure to deal with the rapid growth, environmental and economic impacts, governance and other community issues and it identifies best practice handling of these issues. The Taskforce is now engaged in advocating the adoption of policy initiatives with senior Federal Ministers, Shadow Ministers and their key advisers.

Item 17.0 continued

Because Albany has developed into a classic “sea change” destination, popular for its spectacular coastline, stunning natural vistas, rich maritime, military and cultural heritage, temperate climate and enviable, community lifestyle, I feel that it is important that we as a Council remain involved on this Taskforce to contribute to the decision making process in regards to Sea Change and to influence, where possible, government decisions in this regard.

The significant growth that Albany is experiencing and its recognition as being Australia’s number one “boom town” is a sign of the exciting times ahead. This growth was further illustrated over the last month with the release of the design of the Entertainment Centre by the Hon Kim Chance and confirmation of \$46.3M State Government funding towards that project.

In addition Council also received confirmation of funding for the Anzac Peace Park being \$720,500 from Lotterywest and \$487,520 from the Federal government’s Regional Partnerships program. A further \$450,000 is expected from the Department of Veterans’ Affairs.

I look forward to witnessing the commencement and completion of these two significant projects.

I also attended a meeting, along with the Chief Executive Officer and Her Worship the Mayor, with the Honourable Eric Ripper MLA, State Treasurer. Two issues of significance discussed at that meeting were the funding for the upgrade of the Albany Hospital and the continued funding for the extension of Menang Road (Albany Ring Road).

Thank you.
Cr Dennis Wellington (Deputy Mayor)

DRAFT MOTION

THAT the Mayor’s Report dated 21 August 2007 be received.

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR LIONETTI**

THAT the Mayor’s Report and Deputy Mayor’s Report dated 21 August 2007 be received.

CARRIED 12-0

18.0 URGENT BUSINESS APPROVED BY MAYOR OR BY DECISION OF THE MEETING

Nil

19.0 CLOSED DOORS

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR WALKER**

THAT the Council meet behind closed doors to consider Item 19.1 – EHO Staff Structure and Item 19.2 – Executive Director Remuneration Review, as a confidential matter in accordance with Section 5.23(2)(a) of the Local Government Act 1995 as a matter affecting an employee or employees.

CARRIED 12-0

Members of the public and media vacated the Council Chambers at 10.04pm.

Councillor Paver retired from the meeting prior to the consideration of Item 19.1 at 10.04pm.

Council considered and discussed Item 19.1.

The Executive Directors; Peter Madigan, Rob Fenn and Les Hewer declared a financial interest in Item 19.2 and left the meeting at 10.06pm. The nature of each officer's interest is that Item 19.2 involves a review of their salary.

The Council then considered and discussed Item 19.2.

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR WALKER**

THAT Council open the meeting to the public.

CARRIED 11-0

Members of the public and media returned to the meeting at 10.11pm.

The Executive Directors; Peter Madigan, Rob Fenn and Les Hewer returned to the meeting at 10.11pm.

19.1 EHO Staff Structure

Item 19.1 is a CONFIDENTIAL matter in accordance with Section 5.23 (2)(a) of the Local Government Act 1995 – a matter affecting an employee or employees. The report and recommendations were issued under separate, confidential cover.

Below is the decision of the Council only.

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR EVANS**

1. **THAT the structure of the Environmental Health Team be adjusted by deleting one position of Environmental Health Officer and creating a position of Principal Environmental Health Officer.**
2. **THAT, pursuant to Section 6.8 of the Local Government Act, \$20,000 be funded from additional planning revenue within the 2007/08 budget for the purchase of a vehicle for the Principal Environmental Health Officer and that additional wages resulting from the salary increases be absorbed from within the existing Development Services team budget.**
3. **THAT these funding changes be reflected in the 2007/08 quarter 1 budget review.**

**CARRIED 11-0
ABSOLUTE MAJORITY**

19.2 Executive Director Remuneration Review

Item 19.2 is a CONFIDENTIAL matter in accordance with Section 5.23 (2)(a) of the Local Government Act 1995 – a matter affecting an employee or employees. The report and recommendations were issued under separate, confidential cover.

Below is the decision of the Council only.

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR LIONETTI**

THAT the Executive Directors salaries be increased by 6.5% and adjusted to incorporate CPI movement from 1 January 2007.

CARRIED 11-0

20.0 NEXT ORDINARY MEETING DATE

Tuesday 18th September 2007, 7.00pm

21.0 CLOSURE OF MEETING

There being no further business, the meeting closed at 10.13pm.

Confirmed as a true and correct record of proceedings.

**A Goode, JP
Mayor**

APPENDIX A

WRITTEN NOTICE OF DISCLOSURES OF INTEREST

Name	Item	Nature of Interest
Cr J Waterman	11.1.2 Development Application – Extend Non-Conforming Use – 60 South coast Highway	Financial – Retailer of jewellery
Cr S Marshall	11.3.2 Final Adoption – Little Grove Conceptual Structure Plan	Proximity – residence is in the Structure Plan area
Cr D Wellington	12.2.1 Extended Trading Hours within the City of Albany	Financial – Retailer
Cr J Waterman	12.2.1 Extended Trading Hours within the City of Albany	Financial – Retailer
Cr P Lionetti	12.2.1 Extended Trading Hours within the City of Albany	Financial – Retailer
Cr R Paver	14.3.1 Engage in the Adopt a Humpback Whale Migration Icon Project	Impartiality – proponent is a client of a business of which Cr Paver is a director

APPENDIX B

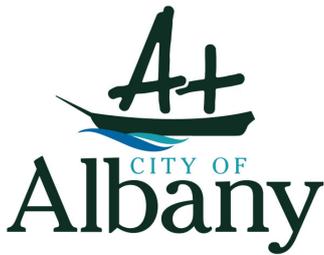
INTERESTS DISCLOSED DURING THE COURSE OF THE MEETING

Nil

INTERESTS DISCLOSED BY OFFICERS

Mr L Hewer (Executive Director Works and Services)	11.3.2 Final Adoption – Little Grove Conceptual Structure Plan	Proximity – residence is in the Structure Plan area
Mr L Hewer (Executive Director Works and Services)	19.2 Executive Director Remuneration Review	Financial –review of salary
Mr R Fenn (Executive Director Development Services)	19.2 Executive Director Remuneration Review	Financial –review of salary
Mr P Madigan (Executive Director Corporate and Community Services)	19.2 Executive Director Remuneration Review	Financial –review of salary

[Agenda Item 12.1.1 refers]
[COUNCIL – 21ST August 2007]



SUMMARY OF ACCOUNTS

Municipal Fund			
Cheques		Totalling	\$406,058.47
Electronic Fund transfer		Totalling	\$5,722,009.65
Credit Cards		Totalling	\$13,779.72
Payroll		totalling	\$927,492.00
Total			<u>\$7,069,339.84</u>

CERTIFICATE OF THE CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for payment totalling \$7,069,339.84 which was submitted to each member of the Council on 21st August 2007 has been checked and is fully supported by vouchers and invoices which are submitted to herewith and which have been fully certified as the receipt of goods and the rendition of services and as to prices, computations and costings and the amounts shown are due for payment.

**EXECUTIVE DIRECTOR CORPORATE
AND COMMUNITY SERVICES
(P Madigan)**

MAYOR

I hereby certify that this schedule of accounts covering municipal and trust fund payments totalling \$7,069,339.84 was submitted to the Council on 21st August 2007 and that the amounts are recommended to the Council for payment.

**MAYOR
(A Goode JP)**